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No. 02-94

In the Supreme Court of the United States

WILLIAM OVERTON, DIRECTOR OF MICHIGAN DEPARTMENT OF CORRECTIONS, MICHIGAN DEPARTMENT OF CORRECTIONS,
Petitioners,

v.

MICHELLE BAZETTA, ET AL.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF OF THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY; JUVENILE JUSTICE COMMITTEE OF THE CRIMINAL LAW SECTION OF THE AMERICAN BAR ASSOCIATION; CENTER FOR CHILDREN OF INCARCERATED PARENTS; THE CHILD WELFARE LEAGUE OF AMERICA; NATIONAL ASSOCIATION OF SOCIAL WORKERS; MICHIGAN CHAPTER OF NATIONAL ASSOCIATION OF SOCIAL WORKERS; CENTERS FOR YOUTH AND FAMILIES; CENTER FOR THE STUDY OF SOCIAL POLICY; ARKANSAS VOICES FOR THE CHILDREN LEFT BEHIND; FAMILY AND CORRECTIONS NETWORK;
(*Amici Curiae* continued on inside cover)

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INTERESTS OF THE AMICI CURIAE[1]

Pursuant to Supreme Court Rule 37.3, the parties have consented to the filing of this brief. Letters confirming such consent have been filed with the Court.

The National Council on Crime and Delinquency is a nonprofit organization dedicated to preventing and reducing crime. It, and the **Michigan Council on Crime and Delinquency,** are interested in this case because there is strong evidence that contact between children and their incarcerated parents ameliorates the children's problems and helps the parents upon release.

The Juvenile Justice Committee of the Criminal Law Section of the American Bar Association is interested in this case because the ABA Legal Status of Prisoners Standard 23-6.2(d) states, "prisoners should be able to receive any visitor not excluded by correctional authorities for good cause." The **Children and Family Justice Center** is a children's law center serving the children of Chicago. The **Youth Law Center** is a non-profit public interest law office serving abused and at-risk children.

The Child Welfare League of America is a national association of public and private child and family-service organizations, and is interested in this case because it supports all efforts to facilitate visitation between children and incarcerated family members as visitation reassures children of their parents' love, and motivates parents in their

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[1] Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* has authored this brief in whole. Dykema Gossett PLLC, *amici's* counsel, has paid entirely for the preparation and submission of the brief as part of its *pro bono* program.

rehabilitation efforts.

The **National Association of Social Workers** ("NASW") is a professional organization with 150,000 members. The NASW and the **Michigan Chapter of the NASW** are interested in this case because the NASW Statement on Correctional Social Work states that social workers should develop and advocate necessary family programs for incarcerated individuals. The **School of Social Work at the University of Arkansas at Little Rock** is interested in this case because the denial of visitation is detrimental to children already traumatized by parental incarceration. The **Center for the Study of Social Policy** is interested in this case because it believes that children have the right, and need, to see their incarcerated family members.

The **Centers for Youth and Families** and the **Arkansas Voices of the Children Left Behind** consist of professionals and volunteers serving incarcerated parents and their children in Arkansas. **Family and Corrections Network** is a nonprofit organization of agencies and individuals concerned with issues facing families of prisoners. The **Center for Children of Incarcerated Parents** is a non-profit organization which provides programs for children of incarcerated parents. The above are interested in this case because they believe that visitation with incarcerated family members is fundamental to the well-being of children and families.

The **National Network for Women in Prison** advocates on behalf of female inmates nationwide and **The Portia Project/Project Link-Up** provides services to women in Oregon prisons. **Legal Services for Prisoners with Children** and **Chicago Legal Advocacy to Incarcerated**

Mothers provide legal services to incarcerated parents and their children.

The **Michigan Federation for Children and Families** is a statewide association of child and family service agencies, interested in this case because they believe visitation with imprisoned parents is critical to children's development and adjustment. The **Michigan Protection and Advocacy Service** is a non-profit organization designed to protect and advocate the rights of individuals with disabilities, including prisoners. The **Michigan Association for Children With Emotional Problems** is a nonprofit organization that wants to ensure that children with emotional disorders are not deprived of visitation with incarcerated family members, which is essential to the children's development.

The **Prison Activist Resource Center** in Oakland, California and the **Prison Reform Advocacy Center** in Cincinnati, Ohio are interested in this case because they provide advocacy and resources to prisoners and their family and friends.

The **Cheyenne River Sioux Tribe** of South Dakota is a federally recognized tribe of 13,270 Native Americans, interested in this case because Native Americans are significantly over-represented in state prisons, therefore, such children are disproportionately impacted by family visitation restrictions.

Prof. Emeritus Rosemary Sarri, Ph.D., Univ. of Mich. social worker, has found that women prisoners often encounter problems in parental legal matters due to the fact that courts expect there will be some face-to-face contact between mother and child. **Prof. Aaron McNeece, Ph.D.**, Florida State Univ. social worker, has found that inmates who

have regular visits from their families adjust better within the prison and have a reduced likelihood of recidivism. **Harold Gazan, M.S.W.** served as Director of the Mich. Dep't. of Social Services, Bureau of Child and Family Services, and believes that visitation by children with their incarcerated parents is necessary to maintain the child's emotional bonds with the parent. **Prof. James Rollin**, Jane Addams College of Social Work, believes that children who fail to bond with their parents by lack of contact are at increased risk of social problems.

Patricia Rideout, J.D. has twenty-two years experience as a guardian *ad litem,* Juvenile Court referee, and child welfare agency administrator, and believes the regulations at issue are detrimental to most children of prisoners, especially those in foster care. **Prof. Emeritus Tom Croxton, J.D., M.S.W.,** Univ. of Mich., is a former juvenile court director who believes that the regulations at issue unfairly punish children and are counterproductive. **Prof. Rosario Ceballo, Ph.D.**, Univ. of Mich. Dep't. of Psychology, believes visitation between children and incarcerated parents is in the best interest of the child. **Barbara Bader Aldave** is a Professor at the Univ. of Oregon School of Law. **Elizabeth S. Brater, Gilda Jacobs,** and **Martha G. Scott** are Michigan State Senators from the 18th, 14th, and 2nd Districts, respectively.

SUMMARY OF ARGUMENT

Over one and a half million children in the United States have a parent in prison. Social science data demonstrates that visitation with imprisoned parents or other close family members benefits, rather than harms, children. Moreover, such visitation is a necessary and indispensable component of the right of familial association, long recognized

by this Court as one of the most fundamental of Constitutional rights. The visitation restrictions at issue are not reasonably related to a legitimate penological interest, and there are no adequate alternative means to exercise the right of familial association other than visitation. It must be borne in mind that the Petitioners are applying the restrictions at issue to non-contact visits, the very nature of which eliminates many of the concerns expressed by the MDOC. *Amici curiae* urge the Court to affirm the decision of the United States Court of Appeals of the Sixth Circuit, and strike down the regulations as unconstitutional.

ARGUMENT

I. CHILDREN ARE SIGNIFICANTLY HARMED WHEN THEY CANNOT VISIT THEIR PARENTS OR OTHER CLOSE RELATIVES IN PRISON.

The challenged regulations have the effect of denying children, who are not responsible for the incarceration, the opportunity to visit their imprisoned parents and other close relatives. Studies show that the children will be emotionally, psychologically, and developmentally harmed by this additional forced separation from their loved ones. In addition, the regulations are directly contrary to well-settled policies, which hold that children have a right to visitation with parents and other relatives when it is in their best interest, even if their parents may have been found to be neglectful or abusive in the past.

A. The Number Of Children Who May Be Affected.

Although the regulations at issue are currently in place only in Michigan, Petitioners have asked this Court to rule that there is no constitutional right whatsoever to visitation. Such a ruling would, of course, apply to all states and the federal system. It is therefore important to point out the number of children who will be affected by this Court's decision.

As of 2000, almost 1.5 million children in the United States had a parent in prison. Christopher Mumola, *Incarcerated Parents and Their Children*, U.S. Department of Justice, Bureau of Justice Statistics Special Report (Aug. 2000). (Attached as Appendix A.) Fifty-six percent of all state and federal prisoners have minor children. (*Id.*) Fifty-eight percent of the children with incarcerated parents are under ten years old, with a mean age of eight. (*Id.*) Twenty-two percent of these children are under age five. There are racial and ethnic disparities as well: almost seven percent of all African-American children, three percent of all Hispanic children, and one percent of all white children in the total population have a parent in prison. (*Id.*)

These children are already considered to be at high risk by social workers and child welfare agencies. They typically live in poverty, suffer feelings of fear, anxiety, abandonment, embarrassment and guilt, and are at increased risk for poor academic performance, gang participation, substance abuse, teen pregnancy and juvenile delinquency. *See, e.g.*, Jeremy Travis, Michelle Waul & Amy Solomon, *The Impact of Incarceration and Re-entry on Children, Families and Communities*, a Background Paper for the U.S. Dept. of Health & Human Svcs. "From Prisons to Home"

Conference (Jan. 2002); Deborah Satyanathan, *Overview* contained in *What about Me? Children with Incarcerated Parents (E. Trzeinski, D. Satyanathan & L. Ferro, ed.)* (March 2002). (Attached as Appendix B.) President Bush has recognized the special needs of these children, initiating a federal program providing grants to organizations providing services to the children of prisoners, and calling for volunteers to serve as mentors to these children. *See, e.g.*, *Rallying the Armies of Compassion*, White House News Report (Jan. 2001). As then Governor George Bush said at the 2000 NAACP Convention:

> More than a million children have one or both parents in prison. These are forgotten children – almost six times more likely to go to prison themselves. And they should not be punished for the sins of their fathers. . . . Let us bring help and hope to these innocent victims of crime.

B. The MDOC Regulations Restrict Children From Visiting Incarcerated Parents And Other Close Relatives.

Each of the MDOC visitation policies at issue results in the denial of visitation to children, as specified below.

1. Minor nieces and nephews of prisoners may not visit.

Under Mich. Admin. Code R. 791.6609(2)(b) only minors who are children, stepchildren, grandchildren or

siblings of the prisoner may visit.[2] By excluding minor nieces, nephews or cousins, the regulation terminates the ability of these children to visit family members who often play a significant role in their lives. Should the regulation again be changed to exclude siblings, it would be all the more harsh. Minor nieces and nephews are unable to visit, even if the prisoner served as the child's surrogate parent prior to incarceration.[3] This restriction also ignores the structure of modern families, where aunts and uncles can be as close to a child as a parent or grandparent. As this Court noted in *Troxel v. Granville*, 530 U.S. 57, 63 (2000), "the demographic changes of the past century make it difficult to speak of an average American family." The important role of extended family members is especially true in African-American and Hispanic families, which make up the majority of children of prisoners.

2. Children for whom parental rights have been terminated may not visit their parents.

The regulations at issue also prohibit children from visiting their parents if the parental rights have been legally terminated. Mich. Admin. Code R. 791.6609(6)(a). In the

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[2] After the district court entered its opinion, MDOC changed its regulations to allow visits from minor siblings, which it had previously prohibited. However, because the MDOC appears to assert its right to impose this restriction again if it so desires, *amici* address this restriction herein.

[3] Illogically, the regulations define aunts and uncles who served as the *prisoner's* surrogate parent as immediate family members (Mich. Admin. Code R. 791.6609(9)(k)), but fail to recognize that the prisoner *him or herself* may have played the same role for nieces and nephews.

prison setting, the legal termination of parental rights often *does not* signal the intended end of the parent-child relationship. Prisoners often voluntarily terminate parental rights in order to enhance their child's stability by allowing relatives and friends to adopt them. The adoptive parents, however, have every intention of allowing the child to continue his or her relationship with the prisoner parent. *(See* testimony of Dr. Terry Kupers at TR Vol. 6, pp. 147-148; Suellyn Scarnecchia at TR Vol. 1, pp. 195-197.) Therefore, the regulations cut off a parent-child relationship even where all involved intend the relationship to continue.

Or, in a Catch-22 situation, parental rights may be terminated due to the incarceration itself. Almost ten percent of mothers in prison report that their children are in foster care during their incarceration. *Mumola,* Appendix A at 1a. Under the Federal Adoption and Safe Families Act of 1997, Pub. L. No. 105-89, § 103(a)(E), if a child is in foster care for fifteen of the last twenty-two months, the state can begin proceedings to terminate parental rights. Moreover, imprisonment itself may be considered neglect or abandonment, resulting in the termination of parental rights. Satyanathan, *What About Me?*, Appendix B at 19a. Thus, the fact of the parent's imprisonment, or the child's placement in foster care during the incarceration, may result in the termination of parental rights, which then results in the loss of visitation under the regulations.

3. Prohibition of visits by former prisoners who are not immediate family members can exclude the only adult available to accompany a visiting child.

If a child's unrelated legal custodian happens to be a former prisoner, regardless of the offense or the date of the offense, he or she cannot, because of the regulations, accompany the child to visit in prison, thus excluding the child from visits altogether. Mich. Admin. Code R. 791.6609(7). For example, a child's unmarried father could not accompany the child to visit because he is not the mother's immediate family member and had a conviction twenty-three years ago. (*See* testimony of Dr. Terry Kupers, TR Vol. 6, p. 146.) This also prevents former prisoners who have turned their lives around from assisting current prisoners on a professional or volunteer basis. (*See* testimony of Joyce Dixson, TR Vol. 7, pp. 130-32, former prisoner who is now a social worker working with children of the incarcerated, but who may not take these children to visit their parents.)

4. The requirement that visiting children be accompanied by an adult immediate family member or legal guardian denies visitation to children.

This rule, Mich. Admin. Code R. 791.6609(5), excludes two different groups of children from visiting. First, the requirement that a child be accompanied by an adult immediate family member excludes appropriate adults from accompanying children due to the regulation's definition of

"immediate family",[4] which excludes relatives who may be the child's caretaker, such as the prisoner's sister- or brother-in-law, cousin, niece or nephew, and excludes friends or neighbors serving as caretaker. Significantly, the Dep't. of Justice statistics show that over ten percent of prisoners report that during their incarceration, their children were placed with friends or other persons to whom the prisoner was not related. *Mumola*, Appendix A at 3a. The restriction also excludes foster parents or foster care workers, and ten percent of children of prisoners are in foster care. *Id.*

Second, a legal guardianship in Michigan requires the filing of papers with the court, the payment of a fee, and regular reports to the court, and can require one or more court appearance. (*See* testimony of Prof. Scarnecchia, TR Vol. 1, pp. 190-91.) In addition, a legal guardianship places the parent's right to regain custody after incarceration at risk. *See* Mich. Comp. Laws § 712A.2(b)(3-5) (guardianship is a basis for taking abuse/neglect jurisdiction over child); Mich. Comp. Laws §712A.19b(3)(d-f) (guardianship is a basis for termination of parental rights). There is an alternative legal means available to provide custody to a non-parent. A parent may provide a power of attorney to the caretaker by filling out a single form and having his or her signature witnessed and notarized. Typically, there is no cost or court involvement and, most significantly, the parent does not place his or her parental rights at risk. (*See* testimony of Prof. Scarnecchia, TR Vol. 1, p. 189.) Under the regulations, however, children

[4] Immediate family is defined as a "grandparent, parent, stepparent, spouse, mother-in-law, father-in-law, child, step-child, grandchild, sibling, stepbrothers and sisters. An aunt and uncle may be included if adequate verification is provided that they served as a surrogate parent." Mich. Admin. Code R. 791.6609(9).

who are in the custody of an unrelated adult with a legal power of attorney cannot be accompanied by that adult to visit, thus denying the child visitation.[5]

5. Permanent bans on visitation completely exclude children from visits.

When a prisoner is banned permanently from all visitation under Mich. Admin. Code R. 791.6609(11), the prisoner's children and minor relatives are also completely barred — even from non-contact visits. The next section outlines the severe impact on children of this permanent ban, as well as the other denials of visitation described above.

C. Failure To Visit Imprisoned Parents Or Other Close Family Members Causes Significant Emotional, Psychological And Developmental Harm To Children.

Dr. Terry Kupers testified in the district court as follows:

> [L]iterature in the mental health field stresses the importance of visitation [between parents and children] to somehow counteract those...negative tendencies of separation. Separation is an extremely traumatic event for children. If separation is relatively benign, it is relatively benign to have a divorce in the family and to have both parents remain in close contact with the child, still, children experience this as a massive trauma depending on their age and situation. Well, having a parent in prison is a much more massive trauma, and then being cut off from that parent is just often insurmountable in terms of the child's psychological development.

(TR Vol. 6, pp. 148-149.)

When parents and children are separated, regardless of the reason, the child typically focuses more on what may happen to the parent than on what may happen to them. Donald Skinner & Leslie Swartz, *The Consequences for Preschool Children of a Parent's Detention: a Preliminary South African Clinical Study of Caregiver's Reports*, Child Psychology & Psychiatry & Allied Disciplines 243 (March 1989). Studies indicate that children are more stressed by being separated from parents than by being with them in unsafe places.[6] Children also fear the unknown, and suffer anxiety if they cannot picture where their parent is and see for

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[5] Prior to the regulations at issue, a power of attorney was sufficient. Although the MDOC's purported reason for changing the regulation was that powers of attorney were too easy to forge (*see* testimony of Marjorie Van Ochten, TR Vol 1, p. 85; Kenneth McGinnis, TR Vol. 8, p. 36), the MDOC provided no evidence of any instance of forgery of a power of attorney.

[6] Doris Odlum, *Psychological Effects of the War on British Children*, 2 American Medical Women's Ass'n 172 (1947) (children evacuated from London to other areas during World War II without their parents had far more behavioral problems related to separation from their parents than children who remained in London with their families); Eleanor Bernert & Fred Ikle, *Evacuation and the Cohesion of Urban Groups*, 58 Amer. J. Sociology 133 (1952) (children prefer to remain with parents in the city despite the risk of air attacks, even when the family home has been lost).

themselves that Mom or Dad is all right. "Children need to know where their mothers are, what it is like there, and that their mothers are safe." Sandra Barnhill, Executive Director, Aid for Children of Imprisoned Mothers, Presentation at *Woman Offender Symposium: Through the Eyes of a Child* (Sept. 2000).

Social workers emphasize the need in most cases for children to maintain close ties with their imprisoned parent. *See, e.g.*, *Understanding and Supporting Foster Children With Incarcerated Parents,* Jordan Institute for Families (Jan. 2002); Barry Krisberg & Hon. Carolyn Engel Temin, *The Plight of Children Whose Parents Are in Prison*, prepared for the Federal Sentencing Report (Jan. 2001) (attached as Appendix C) at 32a-33a. In fact, the two major determinants of a child's emotional stability during a parent's incarceration are the quality of care provided by the alternate caregiver and the opportunities to maintain contact with the incarcerated parent. Ross D. Parke & K. Allison Clarke-Stewart, *Effects of Parental Incarceration on Young Children*, prepared for U.S. Dep't of Health & Human Svcs. "From Prison to Home" Conference (Jan. 2002) (attached as Appendix D) at 58a. Parke and Clarke-Stewart report that studies show no evidence of long-term negative consequences of prison visits on children and state that, to the contrary, "visiting can calm children's fears about their parent's welfare as well as their concerns about the parent's feelings for them." *Id.* at 61a.

One study found that the children's chances for delinquency increase dramatically when they are denied visits. Sarah Gauch, *When Mothers Go To Prison: When You're Behind Bars, Does Your Family Life Have To Crumble?* 16 Human Relations 33 (1959). Another study of children of male prisoners showed that visitation served as an important link to continuity in the parental relationship and counteracted

the children's fears regarding their father's incarceration. W.H. Sack & J. Seidler, *Should Children Visit Their Parents in Prison?* 23 Law & Human Behavior 261 (1978).[7]

It must also be borne in mind that, upon release, many of the prisoners will return to live with their children. Rosemary Sarri, *Children of Incarcerated Mothers*, in *What About Me? Children of Incarcerated Parents, supra,* p. 18 (March 2002). (Attached as Appendix F.) It cannot be denied that maintaining contact between parents and children during incarceration will help the family make this later transition.[8]

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[7] *See also*, Florida Corrections Commission 2001 Annual Report, Section 3(A)(1)(C) ("child welfare literature supports the importance of frequent, regular parent-child visitation following separation to diminish risk factors"); Creasie Finney Hairston, *Prisoners and Families: Parenting Issues During Incarceration,* prepared for U.S. Dept. of Health and Human Svcs. "From Prison to Home" Conference (Jan., 2002) (attached as Appendix E) at 92a ("the maintenance of family ties for incarcerated individuals has been found to be important for juveniles as well as adults.")

[8] Visitation benefits the prisoners as well as the children. Studies have shown that male prisoners who maintain strong family ties during imprisonment have higher rates of post release success than those who do not. Creasey Finney Hairston, *Family Ties During Imprisonment: Do They Influence Future Criminal Activity?* 52 Federal Probation 48 (1988). Likewise, family relationships during incarceration were the strongest predictor of female offenders' post-release success. C. Dowden & D.A. Andrews, *What Works For Female Offenders: A Meta-Analytic Review*, 45 Crime & Delinquency 438 (1999). *See also* E. Slaight, *Family And Offender Treatment: Focusing On The Family In The Treatment Of Substance Abusing Criminal Offenders*, 19 J. Drug Education 53 (1999) (finding family relationships have significant influence on relapse prevention among parolees).

The MDOC has produced no sociological data whatsoever to support its suggestion that visitation is harmful to children. MDOC Deputy Director Dan Bolden admitted at trial that he had read no studies or literature that support the view that children may become too comfortable with the prison environment when visiting. (TR Vol 3, pp. 23-24.) The MDOC also admitted in discovery requests that a survey of all state correctional facilities revealed no records reflecting any incidents of sexual abuse or misconduct of minors occurring during a non-contact visit since January 1, 1984. (Dist. Ct. Opinion, p. 28.) The MDOC also admitted that it knew of no instances of children being injured in the visitation waiting rooms. (Testimony of Mr. Bolden, TR Vol 3, pp. 39-40.)

In sum,

> It is clear...that separation from a parent jeopardizes the psychological and emotional development of a child; any state practice, therefore, that invariably separates a child from her parent while the parent is incarcerated and that does not provide for maintenance of the parent-child relationship during the period of separation undermines the state goal of protecting the best interests of the child.

Note, *On Prisoners and Parenting: Preserving the Tie That Binds*, 87 Yale L.J. 1408, 1419 (1978).

D. State And Federal Policies And Practices Encourage And Facilitate Visitation Between Parents And Children, And Presume That Such Visitation Is Beneficial.

Michigan law presumes that children have the right to regular access to their parents.[9] Even when a child has been removed from the home because of parental abuse or neglect, the Michigan Juvenile Code requires "regular and frequent parenting time between the child and his or her parent," comprising *at least* once weekly visits. Mich. Comp. Laws § 712A.18f (3)(e). "[I]f parenting time, even if supervised, may be harmful to the juvenile, the court shall order the child to have a psychological evaluation or counseling, or both, to determine the appropriateness and the conditions of parenting time." Mich. Comp. Laws § 712A.13a(11). The court may not deny visitation based on its own assessment; an expert evaluation is required.

The Preamble to the Michigan Child Custody Act states that it is an act "to declare the *inherent rights* of minor children" and states:

> It is presumed to be in the best interests of a child for the child to have a strong relationship with both of his or her parents. Except as otherwise provided in this section, parenting time shall be granted to a parent in a frequency, duration, and type reasonably

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[9]Visitation is referred to as "parenting time" in the Michigan Code.

> calculated to promote a strong relationship between the child and the parent....

Mich. Comp. Laws § 722.27a(1) (emphasis added).

The Federal Bureau of Prisons also presumes the importance of visitation:

> The Bureau of Prisons encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community.

28 C.F.R. § 540.40. Similarly, the American Correctional Association standards provide that "inmates should not be denied access to visits with persons of their choice except when the warden/superintendent...can present clear and convincing evidence that such visitation jeopardizes the safety and security of the institution or the visitors." A.C.A. Standard 3-4440. Even the United Nations Minimum Rules for the Treatment of Prisoners, Rule 37, provides that "prisoners shall be allowed...to communicate with their family...at regular intervals, both by correspondence and by receiving visits."

Children who are prohibited from seeing their parents and other close relatives in prison are denied the right of regular visits which are otherwise guaranteed under Michigan law, and which the state and federal government have deemed to be in everyone's best interest.

II. THE RESPONDENTS, INCLUDING THE CHILDREN, HAVE A FUNDAMENTAL RIGHT TO FAMILY INTEGRITY, INCLUDING THE RIGHT TO NON-CONTACT VISITATION.

It must be borne in mind that the plaintiff class in this matter consists not only of prisoners, but also of their family members, including their children. The plaintiffs, including the non-prisoner plaintiffs, have a constitutionally protected right to relationships with their parents and other family members. The denial of visitation resulting from the MDOC regulations violates the Constitutional right to family integrity.

A. Familial Relationships Are Protected By The First And Fourteenth Amendments.

The severance of family ties through the denial of visitation to the children implicates well-settled constitutional rights. This Court has repeatedly recognized a family member's fundamental right to familial association under the First and Fourteenth Amendments. As the Court stated in *Troxel*, "the liberty interest at issue in this case – the interest of parents in the care, custody and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by the Court." 530 U.S. at 65. The Court went on to state:

> The child is not the mere creature of the State, those who nurture him and direct his destiny have the right, coupled with the highest duty, to recognize and prepare him for additional obligations....[W]e have recognized the fundamental right of parents to make decisions

> concerning the care, custody and control of their children.

530 U.S. at 66. This Court has also stated that "the history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." *Wisconsin v. Yoder*, 406 U.S. 205 (1972).[10]

In fact, the right to family integrity is one of the most fundamental of all human rights. This Court has had "the unanimous view that '[f]ew consequences of judicial action are so grave as the severance of natural family ties.'" *M.L.B. v. S.L.J.*, 519 U.S. 102, 109 (1996), *quoting Santosky v. Kramer*, 455 U.S. 745. Nor is the fundamental right of familial association limited solely to parents and children. In *Moore v. City of East Cleveland*, 431 U.S. 494, 505 (1977), this Court recognized the constitutionally protected nature of the extended family relationship:

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[10] *See also*, *Roberts v. United States Jaycees*, 468 U.S. 609, 617 (1984) (the First Amendment provides certain "highly personal relationships a substantial measure of sanctuary from unjustified interference by the State" and "family relationships, by their nature, involve deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life"); *Quilloin v. Walcott*, 434 U.S. 246 (1978) ("we have recognized on numerous occasions that the relationship between parent and child is constitutionally protected"); *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Stanley v. Illinois*, 405 U.S. 645 (1972); *Santosky v. Kramer*, 455 U.S. 745 (1982).

> Ours is by no means a tradition limited to respect for the bonds uniting the members of the nuclear family. The tradition of uncles, aunts, cousins and especially grandparents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition.

Similarly, in *Smith v. OFFER*, 431 U.S. 816, 843 n. 49 (1977), the Court noted "the scope of these rights extends beyond natural parents."

III. THE MDOC REGULATIONS ARE NOT REASONABLY RELATED TO A LEGITIMATE PENOLOGICAL INTEREST.

It is well settled that prisoners retain most of their Constitutional rights. "Prison walls do not form a barrier separating prison inmates from the protections of the Constitution." *Turner v. Safley*, 482 U.S. 78, 84 (1987). Hence, unless and until the MDOC can show otherwise, it is presumed that Respondents retain their constitutional right to familial association. In *Turner*, this Court noted the difficulty when determining the constitutionality of prison regulations between balancing a prisoner's constitutional rights and acknowledging the expertise of corrections officials. Thus, the rule set forth in *Turner* is that "when a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to a legitimate penological interest." 482 U.S. at 89. It is important to note that this test does not give carte blanche to corrections departments, and prison regulations are not immune from meaningful scrutiny. Rather, a number of factors are looked at in determining the reasonableness of the subject restriction, including, *inter alia*,

whether there is a rational connection between the regulation and the legitimate government interest asserted, and whether there are alternative means available for exercising the right.

A. There Is No Valid Connection Between The Regulations Restricting Visitation By Children And A Legitimate Penological Interest.

The penological interests the MDOC asserts for the restrictions on visitation by children are to better supervise the children; to prevent the children from being subject to physical or emotional abuse; and to prevent them from being used to smuggle contraband into the prison. (Petitioner's Brief, p. 29.) As for the first goal, the MDOC is presumably referring to its argument at trial that small children who are not properly supervised during a visit may be physically injured. However, as shown above, the MDOC has offered no evidence that any child has ever been injured during a visit. In addition, MDOC officials testified at trial that their visiting rooms are safe and secure. (Testimony of Dan Bolden, TR Vol. 3, p. 66; Pamela Withrow, MDOC Warden, TR Vol. 8, p. 146; Joan Yukins, MDOC Warden, TR Vol. 6, p. 52.)

As for the goal of preventing abuse, the state makes much of two incidents where a child reportedly witnessed sexual activity by a prisoner. While it is certainly regrettable if this occurred, these are only two out of hundreds of thousands of visits. To drastically restrict children's visitation as a result of these very few incidents is using the proverbial cannon to kill a fly. Nor did the MDOC provide any evidence that visitation is emotionally harmful for children. Indeed, the social science data summarized earlier makes clear that the far greater danger to children comes from being prevented from

seeing their loved ones. Most importantly, the regulations run directly contrary to *Troxel*, which holds that it is the province of the parent, not the state, to make decisions regarding the care of their children. For example, if a prisoner determines that his or her child would benefit from visitation, the child should be able to visit, even if he or she is, for example, in the care of a friend or non-immediate family member. Similarly, if a non-prisoner parent determines that it is in his or her child's best interest to visit an incarcerated family member, such as an aunt or uncle, the child should be allowed to visit. Under the regulations, neither such visit is possible.

The third goal, the prevention of smuggling of contraband, is, unlike the prior two, clearly a legitimate penological objective. However, the restrictions on visitation by children are not reasonably related to this goal. The MDOC has provided no evidence that children are more likely to smuggle contraband into a prison than adult visitors; even the suggestion defies common sense. Moreover, this case concerns non-contact visitation, in which, according to the MDOC's own witnesses, the possibility for smuggling is extremely remote. (*See* testimony of Barry Mintzes, former MDOC Warden, TR Vol 5, p. 133; Mr. Bolden, TR Vol 4, pp. 65-66 (admitting he has no proof of smuggling in non-contact visits); Marjorie VanOchten, MDOC administrator, TR 1, p. 77 (non-contact visitation eliminates the opportunity to smuggle)). The regulations directed at eliminating or reducing visits by children specifically are not reasonably related to a legitimate penological objective.

B. There Are No Adequate Alternative Means Available To Exercise The Right To Familial Association Other Than Visitation.

The MDOC argues that phone calls and letters are adequate alternative means available to Petitioners to exercise their right to familial association. The MDOC is wrong. Regardless of the specific number of prisoners who are functionally illiterate, it cannot be debated that a significant number of them are.[11] Nor can it be debated that infants, toddlers, and pre-schoolers are not capable of writing letters to, or reading letters from, incarcerated family members. (Recall that the average age of a child in the United States with an incarcerated parent is eight, with almost one quarter of the children of prisoners under age five. (Mumola, Appendix A at 2a.)) In addition, twenty-five percent of women are pregnant or have recently given birth when they enter prison. *Satyanathan*, Overview, Appendix B at 15a. For these children, it will be many years before they are able to make phone calls or write letters and, if restricted to these methods of communication, there will be many years of missed contact with their parent.

As for the alleged alternative of phone calls, the calls must be initiated by the prisoner, and must be made collect. Such calls are extremely expensive – three to five times more expensive than calls made from the outside, and are frequently

[11] Indeed, the federal government has specifically included prisoners and their families in recent federal legislation aimed at combating illiteracy. *See* Even Start Family Literacy Act, Pub. L. 106-554 and the Adult Education and Family Literacy Act, Title II of the Workforce Investment Act of 1998, Pub. L. 105-220, § 225(c).

disconnected or interrupted. (Testimony of Dr. Kupers, TR Vol. 6, p. 144.) According to one author, a thirty minute phone call from a prison once a week can cost $125 or more. Hairston, *Prisoners and Families*, p. 7. The cost alone is prohibitive for many families of prisoners, most of whom live in poverty, and foster parents may not accept collect phone calls from the parents of their foster children due to their substantial cost.

Finally, when it comes to maintaining family relationships, phone calls and letters are simply not an adequate substitute for face-to-face contact. As discussed above, children need to physically see their parent in order to assure themselves that the parent is okay. The same is true for incarcerated parents, who want to see the children for themselves to ensure that their children are being adequately cared for. As any parent or child can testify, although the sound of your loved one's voice, or a letter from your loved one, are wonderful, they are simply <u>no substitute</u> for seeing your child's face, or your mother or father's face.

CONCLUSION

The combination of the severe, almost unthinkable, harm suffered by emotionally vulnerable children who are denied visitation with their parents and other loved ones, the clear legal presumption favoring visitation reflected in the law, and the extraordinarily weak and factually unsupported justifications offered by MDOC for the unprecedented violations of the constitutional rights of the Respondents, requires affirmance of the Sixth Circuit Court of Appeals' decision.

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APPENDIX A

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Bureau of Justice Statistics
SPECIAL REPORT

Incarcerated Parents and Their Children

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U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Statistics
Special Report

August 2000, NCJ 182335

Incarcerated Parents and Their Children

By Christopher J. Mumola
BJS Policy Analyst

In 1999 State and Federal prisons held an estimated 721,500 parents of minor children. A majority of State (55%) and Federal (63%) prisoners reported having a child under the age of 18. Forty-six percent of the parents reported living with their children prior to admission. As a result, there were an estimated 336,300 U.S. households with minor children affected by the imprisonment of a resident parent.

Parents held in U.S prisons had an estimated 1,498,800 minor children in 1999, an increase of over 500,000 since 1991. Of the Nation's 72 million minor children, 2.1% had a parent in State or Federal prison in 1999.

A majority of parents in State prison were violent offenders (44%) or drug traffickers (13%), and 77% had a prior conviction. Nearly 60% of parents in State prison reported using drugs in the month before their offense, and 25% reported a history of alcohol dependence. About 14% of parents reported a mental illness, and 70% did not have a high school diploma.

This report is the latest in a series based on the 1997 Survey of Inmates in State and Federal Correctional Facilities. Other BJS Special Reports in this series have addressed substance abuse and treatment, mental health, women and juvenile offenders, and inmates' military service.

Highlights

In 1999 an estimated 721,500 State and Federal prisoners were parents to 1,498,800 children under age 18

Minor children	Percent of prisoners, 1997 State	Federal
Any	55.4%	63.0%
1	23.8	24.0
2	15.8	18.5
3 or more	15.8	20.5
None	44.6%	37.0%
Estimated number of minor children, 1999	1,324,900	173,900

- Since 1991 the number of minor children with a parent in State or Federal prison rose by over 500,000; from 936,500 to 1,498,800 in 1999.
- The percentage of State and Federal prisoners with minor children (56%) changed little since 1991 (57%).
- 22% of all minor children with a parent in prison were under 5 years old.

Prior to admission, less than half of the parents in State prison reported living with their children — 44% of fathers, 64% of mothers

	Percent of State inmate parents, 1997 Male	Female
Lived with children prior to admission	43.8%	64.3%
Current caregiver*		
Child's other parent	89.6%	28.0%
Child's grandparent	13.3	52.9
Other relative	4.9	25.7
Foster home/agency	1.8	9.6
Friends/other	4.9	10.4

*Some prisoners had children in different homes.

- About 46% of parents in prison lived with their children prior to admission.
- About 90% of fathers in State prison said that at least one of their children now lived with their mother; 28% of mothers said the father was the child's current caregiver.
- 10% of mothers and 2% of fathers in State prison reported a child now living in a foster home or agency.

Nearly 2 in 3 State prisoners reported at least monthly contact with their children by phone, mail, or personal visits

Type of contact	Percent of State inmate parents reporting monthly contact with their children, 1997 Male	Female
Any	62.4%	78.4%
Phone	42.0%	53.6%
Mail	49.9	65.8
Visits	21.0	23.8

- 40% of fathers and 60% of mothers in State prison reported weekly contact with their children.
- A majority of both fathers (57%) and mothers (54%) in State prison reported never having a personal visit with their children since admission.
- Over 60% of parents in State prison reported being held over 100 miles from their last place of residence.

Over half of both State and Federal prisoners reported having a child under age 18

When interviewed during the 1997 Surveys of Inmates in State and Federal Correctional Facilities, a majority of prisoners said that they were the parent of at least one child under age 18 (table 1). Fifty-five percent of State prisoners and 63% of Federal prisoners reported having a minor child. Among State prisoners, women (65%) were more likely than men (55%) to have minor children. In Federal prisons, similar percentages of men (63%) and women (59%) had a minor child.

Thirty-two percent of all prisoners said that they had multiple minor children. About 24% of both State and Federal prisoners reported one minor child, but Federal inmates (39%) were more likely than State inmates (32%) to report multiple children. Among State prisoners, 45% of women had multiple children compared to 31% of men.

Twenty-two percent of all minor children with a parent in prison were under 5 years old. The majority (58%) of the minor children reported by State and Federal inmates were less than 10 years old, and the average age of these children was 8 years old.

Age	Percent of minor children of parents in State or Federal prison, 1997
Less than 1 year	2.1%
1-4 years	20.4
5-9 years	35.1
10-14 years	28.0
15-17 years	14.5
Mean	8 years

State and Federal prisons held an estimated 721,500 parents of minor children in 1999

At yearend 1999 there were 1,284,894 prisoners in the custody of State and Federal prisons, including an estimated 721,500 parents with minor children (table 2). Imprisoned parents were predominantly male (93%) and held in State prisons (89%). In 1999 State and Federal prisons held an estimated 667,900 fathers and 53,600 mothers of minor children.

Since 1991 the custody population of State and Federal prisons grew by over 490,000 inmates, an increase of 62%. As a result, the number of parents in prison also grew sharply — by over 250,000 — from the 452,500 held in State and Federal prison in 1991.

1.5 million children in the U.S. had a parent in prison in 1999 — up by more than 500,000 since 1991

The number of children with a parent in prison also rose dramatically during the 1990's. In 1991, there were an estimated 936,500 minor children with a parent in State or Federal prison. By yearend 1999, this number had risen by more than a half-million to an estimated 1,498,800 minor children.

Of the Nation's 72.3 million minor children in 1999, 2.1% had a parent in State or Federal prison. Black children (7.0%) were nearly 9 times more likely to have a parent in prison than white children (0.8%). Hispanic children (2.6%) were 3 times as likely as white children to have an inmate parent.

	Minor children in the U.S. resident population with a parent in prison, 1999	
	Number	Percent
U.S. total*	1,498,800	2.1%
White	384,500	0.8%
Black	767,200	7.0
Hispanic	301,600	2.6

Note: Children were assumed to have the same race/ethnicity as the incarcerated parent.
*Includes children of other races.

At yearend 1999 an estimated 1,372,700 minor children had a father in State or Federal prison, while another 126,100 children had a mother in prison. Since 1990 the number of all female prisoners has grown faster (106%) than that of male prisoners (75%). As a result, the number of children with a mother in prison nearly doubled (up 98%) since 1991, while the number of children with a father in prison grew by 58% during this period.

Table 1. Percent of State and Federal prisoners with minor children, by gender, 1997

	Percent of prisoners, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Have minor children (under age 18)						
No	44.6%	45.3%	34.7%	37.0%	36.6%	41.2%
Yes	55.4	54.7	65.3	63.0	63.4	58.8
Number of minor children						
1	23.8%	24.0%	20.5%	24.0%	24.0%	24.5%
2	15.8	15.6	18.7	18.5	18.7	17.1
3	8.7	8.4	13.7	11.1	11.3	9.7
4	4.1	3.9	7.3	5.0	5.1	4.1
5	1.7	1.6	3.6	2.3	2.2	2.7
6 or more	1.3	1.3	1.6	2.1	2.2	0.7

Table 2. Estimated number of State and Federal prisoners with minor children, by gender, 1999

	State prisoners			Federal prisoners		
	Total	Male	Female	Total	Male	Female
Number of parents						
1999	642,300	593,800	48,500	79,200	74,100	5,100
1991	413,100	386,500	26,600	39,400	36,500	2,900
Number of minor children						
1999	1,324,900	1,209,400	115,500	173,900	163,300	10,600
1991	852,300	794,500	57,800	84,200	78,300	5,900

Note: Numbers are estimates based on responses to the 1991 and 1997 Surveys of Inmates in State and Federal Correctional Facilities, and custody counts from the National Prisoners Statistics program.

Nearly half of all imprisoned parents were black; about a quarter were white

Among both State and Federal prisoners with minor children, blacks comprised the largest racial/ethnic group (table 3). In State prisons, 49% of parents were black, 29% white, and 19% Hispanic. Among nonparent State prisoners, the percentage of blacks (43%) and Hispanics (15%) were slightly lower, but the percentage of whites was higher (39%).

Blacks (44%) were the largest racial/ethnic group among parents in Federal prison, followed by Hispanics (30%) and whites (22%). The racial distribution was almost reversed among Federal prisoners without minor children. Whites made up 43% of nonparent inmates, while blacks accounted for 27% of nonparents. Nonparents in Federal prison were also less likely to be Hispanic (23%).

Parents in State prison were slightly younger than those in Federal prison. Parents in State prison (16%) were about twice as likely as those in Federal prison (8%) to be age 24 or younger. Overall, the median age of parents in State prison was 32 years old, compared to 35 years old among parents in Federal prison. In State prison, the median age of nonparents was similar (33 years) to that of parents. In Federal prison, the median age of nonparents (40 years) was 5 years greater than that of prisoners with minor children.

Half of the parents in State prison were never married

Of the parents in State prison, 23% said that they were currently married, 28% were divorced or separated, and 48% said that they had never been married. In comparison, nonparents in State prison were less than half as likely to be currently married (9%), and 69% said that they had never married.

While parents in Federal prison (36%) were more likely than those in State prison to be married, a similar percentage (25%) were either divorced or separated. Thirty-eight percent of parents in Federal prison said that they had never been married, compared to 49% of the nonparents.

A majority of parents in both State (70%) and Federal (55%) prison reported that they did not have a high school diploma. Similar percentages of parents in State (16%) and Federal (20%) prison graduated high school, but college attendance was nearly twice as high among parents in Federal prison (25% compared to 13% in State prisons). About 12% of parents in both State and Federal prison said that they had not been educated past the eighth grade. Overall, nonparents in both State and Federal prison reported similar levels of education as inmate parents.

Table 3. Selected characteristics of State or Federal prisoners, by whether the inmates were parents of minor children, 1997

	Percent of prisoners, 1997			
	State		Federal	
	Parents	Nonparents	Parents	Nonparents
Gender				
Male	92.6%	95.2%	93.2%	91.9%
Female	7.4	4.8	6.8	8.1
Race/Hispanic origin				
White non-Hispanic	28.9%	38.9%	21.9%	43.4%
Black non-Hispanic	49.4	42.8	44.0	27.0
Hispanic	18.9	14.5	30.0	22.9
Other	2.8	3.8	4.0	6.7
Age				
24 or younger	15.8%	25.0%	7.8%	11.3%
25-34	44.9	30.1	41.8	27.9
35-44	32.1	26.0	35.1	23.0
45-54	6.6	13.3	12.8	22.1
55 or older	0.6	5.6	2.5	15.8
Median	32 yr	33 yr	35 yr	40 yr
Marital status				
Married	23.0%	8.7%	35.8%	21.2%
Widowed	1.6	2.2	1.6	1.8
Divorced	20.5	16.1	19.0	22.9
Separated	7.2	3.9	6.0	5.3
Never married	47.7	69.2	37.6	48.8
Education completed				
8th grade or less	12.7%	15.5%	11.5%	11.9%
Some high school	27.1	23.6	16.7	10.7
GED	30.6	32.6	27.0	26.5
High school graduate	16.1	14.9	19.8	20.8
Some college or more	13.4	13.4	25.0	30.1

Table 4. Percent of inmate parents in State or Federal prison who lived with their minor children at time of admission, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Lived with children at time of admission	45.3%	43.8%	64.3%	57.2%	55.2%	84.0%
Child's current caregiver[a]						
Other parent of child	85.0%	89.6%	28.0%	87.6%	91.7%	30.7%
Grandparent of child	16.3	13.3	52.9	12.2	9.8	44.9
Other relatives	6.4	4.9	25.7	6.2	4.2	33.9
Foster home or agency	2.4	1.8	9.6	1.3	1.1	3.2
Friends, others[b]	5.3	4.9	10.4	6.8	6.4	11.9

[a]Detail may add to more than 100% because some prisoners had multiple children living with multiple caregivers.
[b]Includes cases where parent reported that the child now lived alone.

Fewer than half of the parents in State prison lived with their minor children prior to incarceration

Prior to their admission, 46% of all imprisoned parents lived with any of their minor children (table 4). Among parents in State prison, 45% said that they lived with at least one of their minor children compared to 57% of parents in Federal prison.

Mothers were more likely than fathers to report living with their children prior to admission. About 64% of mothers in State prison and 84% of those in Federal prison reported living with their minor children prior to admission, compared to 44% and 55% of fathers, respectively.

Because most inmate parents did not live with their children prior to incarceration, the number of households with children affected by the imprisonment of a resident parent is lower than the total number of parents in prison. At yearend 1999 an estimated 336,300 U.S. households with minor children had a resident parent in State or Federal prison. A total of 300,900 U.S. households with minor children were missing a resident father in prison, and resident mothers were missing from 35,400 households.

	Estimated households with minor children affected by the imprisonment of a resident parent, 1999
Total	336,300
State prison	291,000
Fathers	259,900
Mothers	31,100
Federal prison	45,300
Fathers	41,000
Mothers	4,300

Fathers cite child's mother as the current caregiver; mothers cite child's grandparents, other relatives

When asked who is currently caring for their minor children, over 80% of inmate parents said that their child was now living with the child's other parent. About 20% of parents cited grandparents and other relatives as caregivers, and 2% had a child in a foster home, agency, or institution.

Mothers and fathers in prison differed sharply in their responses to questions about their children's current caregivers. Ninety percent of the fathers in State prison reported that at least one of their children was in the care of the child's mother, compared to 28% of mothers who reported that one of their children was in the care of the child's father.

Mothers in State prison most often identified the child's grandparent (53%) or other relatives (26%) as the current caregiver. The percentage of fathers in State prison who said that they had a minor child in the care of either grandparents (13%) or other relatives (5%) was much smaller. Mothers in State prison (10%) were also more likely than fathers (2%) to report that their children were in the care of a foster home, agency, or institution.

Mothers and fathers in Federal prison also provided differing reports about their children's current caregivers. Nearly all fathers in Federal prison (92%) said that they had a minor child in the care of the child's mother, compared to 31% of mothers who reported the child's father as the current caregiver. As with State inmates, a greater share of mothers than fathers in Federal prison said that a child was in the care of grandparents (45% compared to 10%) or other relatives (34% compared to 4%).

One-third of mothers in prison had been living alone with their children in the month before arrest

In the month prior to their current arrest, the households of most parents in prison did not include their children (table 5). Thirty-seven percent of parents in State prison said that they lived with any of their minor children in the month before their arrest. The parents who had lived with their children were split between those who had lived with both a spouse and the child (20%) and those who were the only parent living with the child (18%). Among parents in Federal prison, a higher percentage of parents (49%) reported living with their children in the month before arrest, and a higher percentage (32%) came from two-parent households.

Mothers in both State (58%) and Federal (73%) prisons were more likely than fathers (36% and 47%, respectively) to report living with their children prior to arrest. Mothers (46% of State, 51% of Federal) were also more likely than fathers (15% and 14%, respectively) to have been the only parent living with the children in the month before their arrest. Thirty-one percent of the mothers in prison had been living alone with their children compared to 4% of fathers.

Table 5. Households of inmate parents in State or Federal prison, by gender, 1997

Prisoner's household in the month before arrest	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Lived with their children	37.3%	35.6%	58.5%	49.0%	47.2%	73.4%
In two-parent household[a]	19.6%	20.2%	12.5%	32.2%	32.9%	22.1%
Parents and children only	18.2	18.7	11.7	29.4	30.1	19.6
With other relatives[b]	1.2	1.3	0.7	2.0	2.1	1.2
With non-relatives only	0.2	0.2	0.1	0.8	0.7	1.3
In single-parent household	17.7%	15.4%	46.0%	16.8%	14.3%	51.3%
Parent and children only	5.9	3.9	30.9	6.3	4.2	34.8
With other relatives[b]	1.3	1.0	4.3	0.7	0.4	4.9
With non-relatives only	10.5	10.5	10.8	9.8	9.7	11.6
Did not live with their children	62.7%	64.4%	41.5%	51.0%	52.8%	26.6%

[a]Two-parent households are those in which the prisoner lived with both their child(ren) and a spouse.
[b]Includes the prisoners' step-parents, stepchildren, stepbrothers, and stepsisters.

40% of fathers and 60% of mothers in State prison had at least weekly contact with their children

Most parents in both State (80%) and Federal (93%) prison reported having some contact with their children since their admission, either by telephone, mail, or personal visits (table 6). Among State inmates, 69% reported exchanging letters with their children, 58% had spoken with their children over the telephone, and 43% had received a personal visit since admission. Higher percentages of parents in Federal prison reported all types of contact, with telephone calls and letters each reported by 84% of parents and personal visits reported by 56% of parents.

In State prisons, mothers consistently reported more frequent contact with their children than fathers. Mothers (78%) were more likely than fathers (62%) to report some type of monthly contact with their children, and 60% of mothers reported at least weekly contact compared to 40% of fathers. Nearly 40% of mothers in State prison said that they spoke to their children by telephone at least once a week, and 45% reported weekly mail contact with their children. In comparison, fathers reported weekly contact by telephone (25%) or mail (27%) at lower rates.

However, the frequency of personal visits did not vary by gender. Similar percentages of both mothers (24%) and fathers (21%) in State prison reported at least monthly visits from their children. A majority of both mothers (54%) and fathers (57%) had never been visited by their children since entering prison.

Among Federal inmates, mothers and fathers had more similar levels of contact with their children. About 70% of mothers and 60% of fathers had some type of weekly contact with their children. Among mothers in Federal prison, 56% reported weekly telephone calls and 45% reported weekly mail contact, compared to 49% and 34% of fathers, respectively. Similar percentages of mothers (20%) and fathers (23%) reported monthly visits, and just over 40% of both had never been visited since admission.

Table 6. Frequency of telephone, mail, and personal contacts with children by parents in State or Federal prison, 1997

Frequency and type of contact with children	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Any type of contact						
Daily or almost daily	10.1%	9.5%	17.8%	15.1%	14.6%	21.1%
At least once a week	31.2	30.3	42.4	43.7	43.4	48.5
At least once a month	22.2	22.6	18.0	23.8	23.9	22.0
Less than once a month	16.1	16.6	9.7	10.0	10.3	5.0
Never	20.4	21.1	12.2	7.5	7.8	3.3
Telephone						
Daily or almost daily	6.6%	6.2%	11.3%	13.0%	12.8%	15.0%
At least once a week	19.8	19.2	27.0	36.3	35.9	41.2
At least once a month	16.5	16.6	15.3	23.2	23.1	24.9
Less than once a month	15.4	15.5	13.8	11.3	11.4	9.2
Never	41.8	42.5	32.6	16.2	16.7	9.7
Mail						
Daily or almost daily	4.8%	4.4%	9.6%	4.3%	3.9%	9.5%
At least once a week	23.2	22.2	35.6	30.4	30.0	35.9
At least once a month	23.1	23.3	20.6	30.4	30.5	27.8
Less than once a month	18.2	18.6	13.2	18.9	19.2	14.5
Never	30.8	31.6	21.0	16.1	16.4	12.3
Personal visits						
Daily or almost daily	0.8%	0.7%	1.1%	0.4%	0.3%	0.9%
At least once a week	6.6	6.5	8.0	7.1	7.1	6.6
At least once a month	13.9	13.8	14.7	15.1	15.3	12.0
Less than once a month	22.2	22.2	22.1	33.4	33.0	38.5
Never	56.6	56.8	54.1	44.1	44.2	42.0

Over 60% of parents in State prison were held more than 100 miles from their last place of residence

A majority of parents in both State (62%) and Federal (84%) prison were held more than 100 miles from their last place of residence. However, parents in State prison (17%) were twice as likely as those in Federal prison (7%) to be housed within 50 miles of their last residence. Parents in State facilities (11%) were also less likely than those in Federal prison (43%) to be held over 500 miles from their last household.

Distance of prison from last place of residence	Percent of inmate parents, 1997	
	State	Federal
Less than 50 miles	17.4%	7.5%
50-100 miles	20.7	8.5
101-500 miles	51.2	40.7
More than 500 miles	10.7	43.3

A majority of parents in prison were violent offenders or drug traffickers

In both State (57%) and Federal (61%) prison, a majority of the parents were sentenced for either violent offenses, such as homicide, sexual assault, and robbery, or drug trafficking activities (table 7). Violent offenses (44%) were the most common type of crime for which parents were serving time in State prison, while 67% of the parents in Federal prison were drug offenders.

Among State prisoners, parents (44%) were less likely than nonparents (51%) to be violent offenders. Parents in State prison were more likely to be serving a sentence for drug offenses (24%) than nonparents (17%).

Current offense	Percent of State prisoners, 1997	
	Parents	Nonparents
Violent	43.9%	51.1%
Property	21.6	22.5
Drug	23.9	16.7
Public-order	10.3	9.3

Table 7. Current offense of inmate parents in State or Federal prison, by gender, 1997

Current offense	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Violent offenses	43.9%	45.4%	26.0%	11.9%	12.3%	6.5%
Homicide[a]	10.9	11.1	8.6	1.2	1.2	1.3
Sexual assault[b]	8.3	8.8	1.7	0.7	0.8	0.1
Robbery	13.2	13.8	6.4	7.8	8.1	3.4
Assault	9.7	9.9	7.2	1.3	1.3	1.3
Other violent	1.8	1.8	2.1	0.9	0.9	0.4
Property offenses	21.6%	21.1%	28.3%	5.3%	4.9%	10.3%
Burglary	10.2	10.6	5.4	0.3	0.3	0.1
Larceny	4.6	4.3	8.5	0.4	0.4	0.3
Motor vehicle theft	1.5	1.6	1.2	0.2	0.3	0.0
Fraud	2.8	2.1	11.3	3.7	3.3	8.9
Stolen property	1.6	1.7	1.3	0.4	0.4	0.6
Other property	0.9	0.9	0.6	0.3	0.3	0.3
Drug offenses	23.9%	23.0%	35.1%	67.2%	66.7%	73.9%
Possession	10.1	9.7	14.8	12.9	13.1	9.7
Trafficking	13.1	12.7	19.0	40.9	48.0	61.0
Other drug	0.7	0.6	1.3	5.4	5.6	3.2
Public-order offenses	10.3%	10.3%	10.4%	14.6%	15.1%	7.9%
Weapons	2.7	2.8	0.9	6.9	7.3	1.1
Other public-order	7.6	7.5	9.5	7.8	7.9	6.7
Other/unspecified	0.2%	0.2%	0.3%	1.0%	0.9%	1.5%

[a]Includes murder and manslaughter.
[b]Includes rape and other sexual assaults.

Table 8. Maximum sentence length and time to be served until release of State and Federal prisoners with minor children, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Maximum sentence length						
Less than 12 months	3.1%	2.8%	7.3%	2.3%	2.1%	5.1%
12-35 months	13.1	12.5	20.3	10.6	9.5	26.3
36-59 months	13.2	12.7	19.9	13.2	13.0	16.2
60-119 months	22.5	22.4	23.2	30.0	30.6	22.4
120-179 months	14.0	14.3	10.7	19.6	19.7	18.1
180-239 months	8.9	9.1	6.3	9.0	9.2	5.2
240+ months	19.1	19.9	9.4	12.2	12.7	5.8
Life/death	6.1	6.3	2.8	3.1	3.3	0.7
Mean[a]	146 mo.	150 mo.	94 mo.	121 mo.	124 mo.	83 mo.
Estimated total time to be served on current sentence[b]						
Less than 24 months	19.3%	17.9%	37.5%	8.5%	7.2%	26.2%
24-47 months	23.1	22.9	24.9	15.0	14.5	22.9
48-71 months	15.7	15.9	14.0	18.1	18.1	17.2
72-119 months	16.6	17.2	8.9	25.1	25.6	17.8
120-179 months	8.7	9.1	3.6	14.9	15.4	8.3
180-239 months	4.0	4.2	1.5	7.1	7.4	3.2
240+ months	5.3	5.6	2.1	6.9	7.3	2.2
No release expected	2.1	2.2	1.0	1.2	1.3	0.5
Do not know	5.1	5.0	6.5	3.2	3.3	1.8
Mean[c]	80 mo.	82 mo.	49 mo.	103 mo.	105 mo.	66 mo.

[a]Excludes sentences to life or death.
[b]Based on time served when interviewed plus time to be served until the expected date of release.
[c]Excludes inmates who do not expect to be released.

Mothers and fathers were serving time in State prison for different types of criminal offenses. Forty-five percent of fathers in State prison were violent offenders, compared to 26% of mothers. Fathers in State prison (14%) were more likely than mothers (6%) to be convicted of robbery. Mothers were more likely to be sentenced for drug offenses (35% compared to 23% of fathers) and fraud (11% and 2%).

The current offenses of mothers and fathers in Federal prison were more similar than those of State inmates. Two-thirds of fathers and three-quarters of mothers in Federal prison were convicted of drug offenses. The percentage of violent offenders among both fathers (12%) and mothers (6%) was much lower than in State prison, while 5% of fathers and 10% of mothers were property offenders.

On average, parents expected to serve 80 months in State prison and 103 months in Federal prison

Due to the large percentage convicted of violent offenses and drug trafficking, parents reported lengthy average sentences — over 12 years (146 months) in State prison and 10 years (121 months) in Federal prison (table 8). Over 40% of the parents in both State (48%) and Federal (44%) prison reported sentences of at least 10 years, including those sentenced to life in prison or death (6% of State and 3% of Federal).

Given their higher percentage of violent offenders, fathers in State prison (150 months) reported sentences that averaged almost 5 years longer than those of mothers (94 months). Forty-eight percent of the mothers in State prison reported sentences of less than 5 years compared to 15% of fathers. Fathers in Federal facilities also reported a longer average sentence (124 months) than mothers (83 months). Mothers in Federal prison (48%) were also about twice as likely as fathers (25%) to report sentences of less than 5 years.

On average parents in State prison expected to serve a total of 80 months prior to their release (55% of the mean sentence length). Fathers (82 months) expected to serve nearly 3 years more than mothers (49 months). In State prison 18% of parents said that they expected to serve at least 10 years before release. Two percent of parents never expected to be released; 5% did not know their release date.

Despite reporting shorter sentences than parents in State prison, parents in Federal facilities expected to serve an average total of 103 months (85% of the mean sentence length). Fathers in Federal prison (105 months) expected to serve about 3 years longer than mothers (66 months). About 30% of parents in Federal prison expected to serve at least 10 years. Less than 5% of parents in Federal prison either never expected to be released (1%) or did not know their release date (3%).

Over 75% of parents in State prison reported a prior conviction; 56% had been incarcerated

At the time of their current arrest, 49% of the parents in State prison were on some type of conditional release from custody, such as probation or parole supervision in the community (table 9). Of the parents in State prison, 25% were on parole and 24% were serving a sentence to probation supervision at the time of arrest.

Over three-quarters of parents in State prison reported a prior sentence to incarceration or probation, while the remainder said that they were first-time offenders. Almost half (46%) of parents in State prison were violent recidivists (repeat offenders with either a current or past violent offense). Most parents in State prison (60%) had served multiple prior sentences.

Among State prison inmates the criminal histories of parents and nonparents did not differ appreciably. At arrest for their current offense, about 45% of the nonparents had a criminal justice status and 74% had a prior conviction.

Criminal history	Percent of State prisoners, 1997	
	Parents	Nonparents
Had a criminal justice status at time of arrest	49.1%	45.1%
Had prior sentence to probation or incarceration	77.2%	74.0%

Overall, fathers in State prison reported more serious criminal histories than mothers. Fathers (25%) were more likely than mothers (19%) to have been arrested while on parole release from a prior prison term. First-time offenders made up a smaller share of fathers in State prison (22% compared to 35% of mothers), and fathers (48%) were also twice as likely as mothers (23%) to be violent recidivists. In addition, 44% of fathers reported at least three prior convictions compared to 32% of mothers.

Parents in Federal prison (27%) were almost half as likely as those in State prison (49%) to report a criminal justice status at time of arrest, and less likely to report a prior conviction (62% compared to 77%). As in State prison, fathers in Federal facilities (65%) were more likely to be recidivists than mothers (34%), particularly violent recidivists (23% of fathers, 6% of mothers). The percentage of fathers (32%) reporting at least three prior sentences was nearly triple that of mothers (11%).

A majority of parents in State prison used drugs in the month before their offense

More than 4 in 5 parents (85%) in State prison reported some type of past drug use, and a majority (58%) said that they were using drugs in the month before their current offense (table 10). Nonparents in State prison reported slightly lower levels of prior drug use.

Prior drug use	Percent of State prisoners, 1997	
	Parents	Nonparents
Ever	85.4%	80.3%
In month before offense	58.1	54.9
At the time of the offense	33.6	31.5

Parents in State prison most commonly reported using marijuana (39%) and cocaine-based drugs (27%), including crack, in the month before their crimes, followed by heroin and other opiates (10%), stimulants (9%), depressants (5%), hallucinogens (3%), and inhalants (1%).

Table 9. Criminal histories of State and Federal prisoners with minor children, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Status at time of current arrest						
None	50.9%	51.5%	44.0%	73.0%	72.2%	83.9%
Status	49.1	48.5	56.0	27.0	27.8	16.1
On parole	24.8	25.2	18.6	12.7	13.4	2.8
On probation	23.7	22.6	37.0	14.2	14.3	12.5
Escaped from custody	0.6	0.7	0.5	0.2	0.1	0.8
Criminal history						
None	22.8%	21.9%	34.7%	37.5%	35.4%	66.3%
Priors	77.2	78.1	65.3	62.5	64.6	33.7
Violent recidivists[a]	46.1	48.0	23.2	22.2	23.4	5.6
Drug recidivists only	3.7	3.6	6.1	11.4	11.8	6.6
Other recidivists[b]	27.3	26.6	36.0	28.8	29.4	21.3
Number of prior probation/ incarceration sentences						
0	22.8%	21.9%	34.7%	37.5%	35.4%	66.3%
1	16.8	16.7	18.2	18.1	18.4	14.7
2	16.9	17.0	15.2	13.6	14.0	8.3
3-5	24.8	25.2	19.7	20.9	21.8	8.2
6-10	12.6	13.0	7.6	7.6	8.0	2.1
11 or more	6.1	6.3	4.6	2.2	2.3	0.3

[a]Recidivists with at least one current or past violent offense.
[b]Includes recidivists with unknown offense types.

A third of the parents in State prison reported committing their current offense while under the influence of drugs. Parents were most likely to report the influence of cocaine-based drugs (16%) and marijuana (15%) while committing their crime. About equal percentages of parents in State prison reported the use of opiates (6%) and stimulants (5%) at the time of their offense, while 2% used depressants or hallucinogens.

1 in 3 mothers in State prison committed their crime to get drugs or money for drugs

Mothers in State prison reported more serious drug use histories than fathers. Mothers in State prison (65%) were more likely than fathers (58%) to report drug use in the month before their offense, particularly the use of cocaine or crack (45% of mothers compared to 26% of fathers). Mothers (43%) were also more likely than fathers (33%) to report the influence of drugs in their current offense. Mothers were about twice as likely to have committed their crimes while under the influence of cocaine-based drugs (28%) or opiates (11%) as fathers (15% and 5%, respectively).

In addition, 32% of mothers in State prison reported committing their crime to get drugs or money for drugs, compared to 19% of fathers. Prior intravenous drug use was also reported more commonly by mothers (29%) than fathers (19%).

	Percent of inmate parents in State prison who reported —	
	Male	Female
Committing offense to get money for drugs	18.5%	32.2%
Ever using intravenous drugs	19.0%	29.2%

While reports of prior drug use were lower among parents in Federal prison, 3 in 4 had used drugs and nearly half used drugs in the month before their offense. Twenty-three percent of parents in Federal prison were under the influence of drugs when committing their offense. Aside from marijuana use (higher among fathers), mothers and fathers in Federal prison reported similar drug use histories.

Over a third of parents in State prison committed their offense while under the influence of alcohol

Parents in State prison were more likely to report being under the influence of alcohol (37%) than drugs (34%) while committing their current offense (table 11). According to the CAGE diagnostic instrument, 25% of the parents in State prison reported experiences that are consistent with a history of alcohol dependence (for details on the CAGE instrument, see *Methodology*). Overall, parents and nonparents in State prison did not differ in their reports of prior alcohol abuse.

	Percent of State prisoners, 1997	
Prior alcohol abuse	Parents	Nonparents
Alcohol dependent	25.1%	23.7%
Under influence of alcohol at time of offense	36.7%	37.8%

Parents in State prison also reported engaging in troubled behaviors associated with prior alcohol abuse. About 48% of parents said that they had driven drunk in the past, 42% reported arguments with family members and friends while drinking, and 39% had alcohol-related physical fights.

Table 10. Drug use of inmate parents in State or Federal prison, by gender, 1997

	Percent of inmate parents who reported —								
	Ever using drugs			Using drugs in the month before the offense			Using drugs at the time of the offense		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
State prisoners, 1997									
Any drug[a]	85.4%	85.4%	86.3%	58.1%	57.5%	65.3%	33.6%	32.9%	42.5%
Marijuana/hashish	79.0	79.8	69.4	39.3	40.3	27.5	15.2	15.7	8.8
Cocaine/crack	53.3	52.2	67.2	27.1	25.7	44.6	16.0	15.0	28.3
Heroin/opiates	25.3	24.8	31.3	9.7	9.2	16.0	5.6	5.2	10.7
Depressants[b]	23.9	23.7	25.9	5.1	4.9	7.1	1.8	1.8	2.3
Stimulants[c]	28.6	28.4	30.7	9.2	9.1	10.5	4.6	4.6	5.3
Hallucinogens[d]	28.5	28.6	26.6	3.4	3.5	2.1	1.6	1.6	1.1
Inhalants	14.2	14.2	13.1	0.7	0.7	1.3	–	–	–
Federal prisoners, 1997									
Any drug[a]	75.2%	75.8%	66.4%	46.0%	46.6%	37.4%	22.6%	23.0%	17.9%
Marijuana/hashish	66.8	67.5	57.2	31.7	32.6	20.1	11.3	11.7	6.0
Cocaine/crack	45.7	46.3	36.9	20.7	21.0	17.1	9.7	10.0	5.8
Heroin/opiates	14.7	14.9	12.2	4.7	4.6	4.7	2.7	2.6	3.4
Depressants[b]	14.8	14.9	13.2	2.9	2.9	3.7	0.9	1.0	0.5
Stimulants[c]	18.3	18.2	18.9	6.7	6.6	8.1	3.4	3.3	5.0
Hallucinogens[d]	17.1	17.4	13.0	1.7	1.7	0.9	0.8	0.8	0.4
Inhalants	6.7	6.9	4.6	0.5	0.5	0.0	–	–	–

Note: Detail adds to more than total because prisoners may have used more than one type of drug.
– Not reported.
[a]Other unspecified drugs are included in the totals.
[b]Includes barbiturates, tranquilizers, and Quaalude.
[c]Includes amphetamine and methamphetamine.
[d]Includes LSD and PCP.

While similar percentages of fathers (25%) and mothers (23%) in State prison met the criteria for alcohol dependence, fathers were more likely to report other indications of alcohol abuse. A greater share of fathers (37%) than mothers (29%) reported committing their crime while drinking. Fathers in State prison were also more likely than mothers to report driving drunk (49% compared to 36%) and getting into physical fights while drinking (40% and 31%, respectively).

Compared to State prisoners, parents in Federal prison were less likely to be alcohol dependent (16%) or to report committing their offense while drinking (21%). Lower percentages of the parents in Federal facilities also reported alcohol-related fighting (22%) and domestic disputes (30%). As in State prison, fathers in Federal prison were also more likely than mothers to report drunk driving (44% compared to 27%) and alcohol-related physical fights (23% and 14%, respectively).

About 1 in 7 parents in State prison reported indications of a mental illness

In responses to questions regarding mental health, parents in State prison (14%) were twice as likely as those in Federal prison (6%) to report indications of a mental illness (table 12). Inmates were considered mentally ill if they reported either of the following criteria: a current mental or emotional condition or an overnight stay in a mental hospital or treatment program. Reports of a mental illness were somewhat higher among State prisoners without children (19%).

	Percent of State prisoners, 1997	
	Parents	Nonparents
Mentally ill	14.1%	18.7%

Among parents in State prison, 23% of mothers reported an indication of mental illness compared to 13% of fathers. Reports of mental illness indicators were more similar among mothers (10%) and fathers (6%) in Federal facilities.

Nearly 20% of mothers in State prison had been homeless in the year prior to admission

Mothers in State prison (18%) were twice as likely as fathers (8%) to report a period of homelessness in the year prior to admission (table 13). Overall, parents in State prison (9%) were more likely than those in Federal prison (4%) to report being homeless in the year before admission. In Federal facilities, similar percentages of mothers (5%) and fathers (4%) reported periods of homelessness.

In the month prior to their arrest, 29% of parents in State and 27% of parents in Federal prison said that they were unemployed. Half of mothers in State prison were unemployed in the month before their arrest, compared to a quarter (27%) of fathers. The level of unemployment among mothers in Federal prison was lower (38%) but still exceeded that of fathers (26%).

Forty-six percent of the parents in State and 53% of parents in Federal prison reported a personal income of at least $1,000 in the month before

Table 11. Alcohol dependence and experiences of inmate parents in State or Federal prison, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
History of alcohol dependence*	25.1%	25.3%	23.5%	16.3%	16.6%	12.7%
Under the influence of alcohol at time of current offense	36.7	37.4	28.8	20.7	21.0	16.6
While drinking have you ever —						
Driven a motor vehicle while under the influence of alcohol?	47.6	48.5	35.7	42.4	43.6	27.1
Had arguments with your spouse, family, or friends?	41.7	41.8	39.5	29.8	30.1	25.3
Gotten into a physical fight?	39.2	39.8	31.3	22.4	23.0	14.3
Had as much as a fifth of liquor in 1 day (20 drinks, 3 six-packs of beer, or 3 bottles of wine)?	41.4	42.3	30.4	29.8	30.6	18.9

*Measured by 3 or more positive CAGE responses.
For a description of the CAGE diagnostic measure see *Methodology*.

Table 12. Mental health status of inmate parents in State or Federal prison, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Mentally ill*	14.1%	13.4%	22.5%	5.9%	5.6%	10.3%
Reported a mental or emotional condition	8.9	8.3	15.7	3.6	3.2	7.9
Admitted overnight to a mental hospital or treatment program	8.8	8.4	14.1	3.5	3.5	3.8

*Reported either a mental or emotional condition or an overnight stay in a mental hospital or treatment program. See BJS Special Report, *Mental Health and Treatment of Inmates and Probationers*, July 1999, NCJ 174463.

their arrest. Parents in Federal prison (15%) were nearly twice as likely as those in State prison (8%) to report the highest incomes (at least $5,000) in the month before arrest. Mothers in both State (70%) and Federal (66%) prison were more likely than fathers (53% of State, 45% of Federal) to report incomes below $1,000 in the month before arrest.

In the month before their current arrest, nonparents in State prison were less likely than parents to be employed (65%), or to report at least $1,000 of personal income (38%). Nonparents in State prison also reported a higher incidence of homelessness in the past year prior to admission (12%).

	Percent of State prisoners, 1997	
	Parents	Nonparents
Employed during month before current arrest	70.9%	64.8%
Income of at least $1,000 in month before arrest	46.0%	38.2%
Homeless in the past year	9.2%	12.3%

Wages or salary were the most common source of income for parents in both State (66%) and Federal (68%) prison, followed by income from illegal activities (27% of State, 31% of Federal). Eighteen percent of parents in State and 13% in Federal prison reported income from family and friends. Parents in State prison (15%) were more likely than those in Federal prison (9%) to report receiving transfer payments such as welfare, Social Security, or compensation payments. Less than 1% of all parents received child support or alimony payments in the month before arrest.

Among State prisoners, mothers (44%) were less likely than fathers (68%) to receive wages in the month before their arrest, but were more likely to receive transfer payments (42%, compared to 13% of fathers) and income from family or friends (26% and 18%). About 6% of mothers reported receiving child support or alimony payments, compared to less than 0.5% of fathers. Mothers (28%) and fathers (27%) in State prison were equally likely to report income from illegal sources in their final month prior to arrest.

Table 13. Pre-arrest employment, income, and homelessness of inmate parents in State or Federal prison, by gender, 1997

	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Employment during month before current arrest						
Unemployed	29.1%	27.4%	50.1%	26.5%	25.6%	38.2%
Employed	70.9	72.6	49.9	73.5	74.4	61.8
Full-time	59.0	60.5	39.2	62.7	63.7	49.4
Part-time	9.2	9.2	8.9	8.5	8.4	10.2
Occasional	2.7	2.8	1.8	2.2	2.2	2.1
Personal income in the month before current arrest						
Less than $200	16.5%	16.0%	22.9%	16.5%	16.2%	20.6%
$200-599	20.5	19.9	28.4	14.4	13.8	23.6
$600-999	16.9	16.7	18.7	15.8	15.4	21.6
$1,000-1,999	24.4	25.1	16.7	23.8	24.1	19.4
$2,000-4,999	13.4	13.9	7.7	14.4	14.8	8.2
$5,000 or more	8.2	8.4	5.6	15.1	15.7	6.6
Source of income in month before current arrest[a]						
Wages or salary	66.4%	68.3%	43.6%	67.6%	68.4%	57.1%
Transfer payments[b]	15.4	13.3	41.8	8.8	7.1	33.3
Family/friends	18.4	17.8	26.1	13.3	12.7	22.2
Child support/alimony payments	0.6	0.1	6.5	0.6	0.2	6.3
Illegal sources	27.2	27.1	28.1	30.6	31.1	23.7
Other[c]	3.4	3.4	2.8	6.0	6.1	4.1
Homeless in the past year, living on the street, or in a shelter?	9.2%	8.5%	18.4%	3.8%	3.7%	5.0%

[a]Detail may add to more than 100% because prisoners may have had multiple sources of income.
[b]Includes welfare, Social Security, Supplemental Social Security income, and compensation payments such as unemployment insurance, workman's compensation and Veteran's Compensation.
[c]Includes pensions, educational assistance, investments, and other unspecified types of income.

Methodology

Data in this report are based on personal interviews conducted through the 1997 Surveys of Inmates in State and Federal Correctional Facilities. Detailed descriptions of the methodology and sample design of the surveys can be found in the BJS Special Report, *Substance Abuse and Treatment, State and Federal Prisoners, 1997* (NCJ 172871).

Accuracy of the estimates

The accuracy of the estimates in this report depends on two types of error: sampling and nonsampling. Sampling error is the variation that may occur by chance because a sample rather a complete enumeration of the population was conducted. Nonsampling error can be attributed to many sources, such as nonresponses, differences in the interpretation of questions among inmates, recall difficulties, and processing errors. For example, inmates may deny or dispute parenthood and fail to report children. The sampling error, as measured by an estimated standard error, varies by the size of the estimate and the size of the base population.

Appendix tables 1 and 2 contain estimates of the standard errors for selected characteristics of inmate parents that were calculated for each survey. (For other inmate characteristics, please use the generalized standard error estimates presented in the appendix tables of *Substance Abuse and Treatment, State and Federal Prisoners, 1997.*)

The standard errors included in the appendix tables below may be used to construct confidence intervals around percentages. For example, the 95% confidence interval around the percentage of parents in State prison who reported a prior conviction is approximately 77.2% plus or minus 1.96 times 0.62% (or 76.0% to 78.4%).

These standard errors may also be used to test the statistical significance of the difference between two sample statistics by pooling the standard errors of the two sample estimates. For example, the standard error of the difference between mothers and fathers in State prison who were violent offenders would be 1.46% (or the square root of the sum of the squared standard errors for each group). The 95% confidence interval around the difference would be 1.96 times 1.46 (or 2.86%). Since the difference of 19.4% (45.4% minus 26.0%) is greater than 2.86%, the difference would be considered statistically significant.

CAGE diagnostic instrument for alcohol dependence

The CAGE questionnaire is a diagnostic instrument for detecting a person's history of alcohol abuse or dependence. In a clinical test, three or more positive responses to the four CAGE questions carried a .99 predictive value for alcohol abuse or dependence. For further information on the predictive values of the CAGE instrument, see the article "Screening for Alcohol Abuse Using the CAGE Questionnaire" by B. Bush and others, *The American Journal of Medicine*, Vol. 82, February 1987, pp.231-35.

Appendix table 1. Standard errors of selected characteristics of State prisoners with minor children, 1997

Selected characteristic	Percent of State inmate parents, 1997		
	Total	Male	Female
Have minor children*	0.54%	0.58%	1.07%
Lived with children prior to admission	0.73%	0.77%	1.34%
Child's current caregiver			
Child's other parent	0.53%	0.48%	1.26%
Child's grandparent	0.55	0.54	1.40
Foster home/agency	0.23	0.21	0.83
Monthly contact with children			
Any	0.71%	0.76%	1.15%
Phone	0.73	0.77	1.39
Mail	0.73	0.78	1.33
Visits	0.60	0.64	1.19
Current offense			
Violent	0.73%	0.78%	1.23%
Property	0.61	0.64	1.26
Drug	0.63	0.66	1.34
Public-order	0.45	0.48	0.85
Criminal history			
Any priors	0.62%	0.65%	1.34%
Prior substance abuse			
Used drugs in month before offense	0.72%	0.77%	1.33%
Alcohol dependent	0.64	0.68	1.19

*Based on all State prisoners.

Appendix table 2. Standard errors of selected characteristics of Federal prisoners with minor children, 1997

Selected characteristic	Percent of Federal inmate parents, 1997		
	Total	Male	Female
Have minor children*	1.01%	1.08%	2.00%
Lived with children prior to admission	1.31%	1.40%	1.94%
Child's current caregiver			
Child's other parent	0.87%	0.78%	2.45%
Child's grandparent	0.87	0.84	2.64
Foster home/agency	0.30	0.30	0.93
Monthly contact with children			
Any	1.00%	1.09%	1.47%
Phone	1.18	1.27	2.08
Mail	1.26	1.35	2.35
Visits	1.11	1.18	2.10
Current offense			
Violent	0.62%	0.65%	1.81%
Property	0.43	0.43	2.23
Drug	1.40	1.46	5.02
Public-order	0.68	0.71	1.98
Criminal history			
Any priors	1.28%	1.35%	2.51%
Prior substance abuse			
Used drugs in month before offense	1.32%	1.41%	2.58%
Alcohol dependent	0.98	1.05	1.77

*Based on all Federal prisoners.

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Jan M. Chaiken, Ph.D., is director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

Christopher J. Mumola wrote this report under the supervision of Allen J. Beck. Laura M. Maruschak and Todd D. Minton provided statistical assistance. Tom Hester and Ellen Goldberg edited the report. Jayne Robinson prepared the report for publication.

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This report and others from the Bureau of Justice Statistics are available free of charge through the Internet —

http://www.ojp.usdoj.gov/bjs/

The data from the 1997 Surveys of Inmates in State and Federal Correctional Facilities are available from the National Archive of Criminal Justice Data, maintained by the Inter-university Consortium for Political and Social Research at the University of Michigan, 1-800-999-0960. The archive may also be accessed through the BJS Internet site.

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APPENDIX B

What about Me?

Children with Incarcerated Parents

Michigan Family Impact Seminars
Briefing Report No. 2002-1

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OVERVIEW
Deborah Satyanathan

Scope of the Problem

The U.S. Department of Justice has estimated that nationally approximately 1.5 million children under the age of 18 had an incarcerated parent in 1999 [10]. These children, their parents and their caregivers have special needs that are currently not being met by child welfare agencies or the criminal justice system. As the incarcerated population grows by an average of 6.5% every year [13], the number of children with incarcerated parents will also increase.

Little data exists regarding the number of children affected. However, nationally, we do know:

- Approximately two-thirds of incarcerated women and 55% of incarcerated men have children below 18 years old [4].
- Most (72%) of the incarcerated mothers lived with their children before entering prison [4].

- Approximately 25% of women are pregnant or have recently delivered when they enter prison [9].

Approximately two-thirds of incarcerated women and 55% of incarcerated men have children below 18 years old

Approximately 25% of women are pregnant or have recently delivered when they enter prison

Children of incarcerated parents are often uprooted from their homes and placed with relatives or in foster care. The living arrangements for children with incarcerated fathers and imprisoned mothers differ in the following ways:

- Most (90%) children with incarcerated fathers live with their mother [9].
- Only approximately 25% of children with incarcerated mothers live with their fathers [9].
- One half of children with incarcerated mothers live with their grandparents [4].
- An additional 2% of children with fathers in prison and 10% of children with mothers in prison live in a foster care home or an institution [4].

Children of incarcerated parents are often uprooted from their homes and placed with relatives or in foster care

It is not known how many Michigan children are affected by parental incarceration. According to the Michigan Department of Corrections, the total prisoner population in 1999 was 46,617, with women prisoners totaling 2,018 [8]. From this data, we can estimate:

- Approximately 1,345 incarcerated women and 24,975 incarcerated men in Michigan have children under the age of 18.
- Because studies have shown that mothers average 2.4 children and fathers average 2.0 children [13], then 3,229 Michigan children below 18 years old have an incarcerated mother, and 49,951 children have an imprisoned father.

How are children affected when parents are incarcerated?

Children are deeply affected when their parents are incarcerated, beginning at the time of the parent's arrest and continuing after the parent is released. Common harmful results include:

- Emotional problems, including feelings of fear, anxiety, abandonment, embarrassment, shame and guilt [1,5,13].
- Behavioral symptoms, with increased risk for poor academic performance, truancy, gang participation, substance abuse and early pregnancy [1,5,13].
- Increased risk for delinquency: It is estimated that one half of juveniles in detention have an incarcerated parent [6] and that children with an incarcerated parent are five to six times more likely than those without imprisoned parents to enter the criminal

justice system [1].
- Permanent separation from parents.

Children are deeply affected when their parents are incarcerated

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Which prison conditions contribute to the negative affects of incarcerated parents and their children?

Conditions in women's prisons have a large effect on mothers and children post-release. When these women are released from prison, they may have difficulty finding housing and jobs; they still have many of the same emotional and physical problems (or more) with which they entered the criminal justice system. Because of these multiple problems, many mothers have difficulty regaining custody of their children upon release. Some of these difficult prison conditions include:

- Physical abuse and/or rape by other inmates or guards [11].
- A lack of educational services and job training [11].
- A lack of mental health services for mental illness and other common problems such as substance abuse, childhood physical and/or sexual abuse, and domestic violence [11].
- Inadequate health care [3,11].

When women are released from prison, they may have difficulty finding housing and jobs;

they still have many of the same emotional and physical problems (or more) with which they entered the criminal justice system.

Prison visitation policies hinder contact between incarcerated parents and their children. Only 10% of mothers receive regular visits from their children, and approximately half do not receive any visits from their children at all [3]. Reasons for this lack of visitation between children and their imprisoned parents include:

- Geographical distance and transportation costs [5].
- Intimidating and non-child-friendly visiting areas [5].
- Lack of information about visiting hours and procedures [13].
- Non-contact visitation (i.e. no hugs or sitting on a parent's lap) in jails [7].
- Reluctance on the part of parents or caregivers to have children visit their parents in a prison setting [13].

Only 10% of mothers receive regular visits from their children, and approximately half do not receive any visits from their children at all

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Phone calls are also difficult. Parents are only allowed to make collect calls out of the prison, and the charges for these calls are much higher than a collect call made from a pay phone [5]. Due to the financial burdens of the children's caregivers, they may not be able to accept many collect calls

from the children's parents.

Which state and federal policies negatively affect incarcerated parents and their children?

The Federal Adoption and Safe Families Act of 1997. For those children who entered the child welfare system due to their parents' incarceration, permanency planning must begin within 12 months of their original placement [13]. Because a woman's average prison sentence is 24-36 months [1] and imprisonment may be considered neglect or abandonment of her children [2], her parental rights may be terminated while she is incarcerated. Many of these women are not notified of the court hearings related to their children, and legal assistance for these women is limited [1].

Many incarcerated women with children are not notified of the court hearings related to their children, and legal assistance for these women is limited

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Foster Care Polices. Licensed foster care parents receive financial support for caring for children. However, many children of incarcerated parents are cared for by grandparents or other relatives. These helpful kin do not receive financial support from the state [1], and many caregivers report that they do not have the financial resources to properly care for the children [11]. Therefore, many children live in poverty while their parents are in prison.

Many caregivers report that they do not have the financial resources to properly care for the children . Therefore, many children live in poverty while their parents are in prison.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. One provision of PRWORA provides that any person convicted of a drug crime is no longer eligible to receive T mporary Aid for Need Families (TANF) [13]. In 1998, 72% of women in federal prisons were incarcerated for a drug offense [13]. Therefore many mothers may have financial difficulties once they are released from prison. This difficulty may hinder them from regaining custody of their children or may place their children in poverty post-release.

Mandatory Sentencing Laws. Throughout the nation, approximately 70% of imprisoned women committed a drug or other non-violent crime [3]. Many of these crimes now have mandatory sentences, reducing a judge's flexibility in determining the best interests for convicted parents and their children [13].

How does the lack of collaboration between the child welfare system and the criminal justice system contribute to the unmet needs of families?

- Families may receive duplicate or unnecessary services from both systems, such as parenting classes or drug counseling, and not obtain other needed services [7].

- Prison inmates usually are not allowed to receive incoming phone calls [2]. Child welfare workers also struggle with the same visitation rules as do children and caregivers. They may not know visitation policies and procedures, or the prison may simply be too far to travel. Therefore it is difficult for child welfare workers to contact imprisoned parents.
- Some correctional agencies prohibit contact between prisoners and child welfare workers [13].
- Incarcerated women may have no idea where their children are placed, or they may not know the name of their children's child welfare worker [2].

Incarcerated women may have no idea where their children are placed, or they may not know the name of their children's child welfare worker.

Why should we care?

According to Pimlott and Sarri (2002), "Studies of prisoners consistently show that those who maintain strong family and friendship ties during imprisonment and assume responsible marital and parental roles upon release have lower recidivism rates than those who function without family ties, expectation and obligations" [13, p. 27]. In addition, if women receive proper educational and job training and mental health services (especially for substance abuse), they are less likely to re-enter the criminal justice system. If recidivism rates decrease, then state and federal costs for building prisons and maintaining prisoners also decrease.

What policy and program decisions can be made to ensure that Michigan is meeting the needs of incarcerated parents and their children?

As the number of parents who are incarcerated increases, and therefore the number of children affected increases, Michigan policymakers, child welfare agencies and correctional systems can make policy and program decisions to assist incarcerated parents, their children and their children's caregivers, including:

1. Increased Research

   - Data collection on the number of children affected by their parents' incarceration and how they are affected
   - Longitudinal studies on the long-term effects of parental incarceration.
   - Evaluation and replication of existing programs

2. Changes in Public Policy

   - Exceptions to the 12-month termination of parental rights statute for imprisoned parents
   - Increased financial support for relatives caring for children of incarcerated parents
   - Financial support for those convicted of drug crimes post-release
   - Community-based alternatives to imprisonment for non-violent offenders.

3. Changes in Prison and Jail Policies and Services

   - Supportive visitation and increased flexibility with phone calls
   - Improved mental health services, including substance abuse counseling, and physical health care
   - Educational services and employment training
   - Inmate safety from abuse or rape

4. Collaboration between the Criminal Justice and Child Welfare Systems

   - Cross-training of criminal justice and child welfare personnel
   - A central database holding information regarding children, parents and incarceration

5. Implementation of Programs and Services for Children and their Caregivers

   - Counseling and support groups for parents, children and caregivers
   - Transportation services
   - Legal assistance for parents in prison who risk having their children removed from their custody.
   - Parental involvement in the permanency planning of their children
   - Parenting education.

Studies of prisoners consistently show that those who maintain strong family and friendship ties during imprisonment and assume responsible marital and parental roles upon release have lower recidivism rates than those who function without family ties, expectation and obligations.

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APPENDIX C

THE PLIGHT OF CHILDREN WHOSE PARENTS ARE IN PRISON

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for an upcoming issue of

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THE PLIGHT OF CHILDREN WHOSE PARENTS ARE IN PRISON

Barry A. Krisberg, Ph.D.

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Incarcerated Parents: A Growing National Problem

Traditional discussions about sentencing policy pay scant attention to the effects of imprisonment on parents and their children. However, the enormous rise in the numbers of people behind bars, especially women, has brought this issue to prominence. In 1999, more than half of all state and federal prisoners reported having a child under the age of 18. Over 721,500 parents of an estimated 1,324,900 minor children are confined in prisons. Since 45 percent of these incarcerated parents reported that they resided with their children prior to entering prison, the Bureau of Justice Statistics estimates that 336,300 U.S. households with minor children are impacted by the imprisonment of a parent (Mumola, 2000). African American children are nine times more likely to have an incarcerated parent than white children. Latino children are three times more likely to have an imprisoned parent than white children. These numbers increased steadily during the 1990s -- the number of minor children whose parents were locked up increased by over 500,000 during this period.

The alarming rise in the number of women inmates has exerted a profound impact on this issue. Children are far more likely to live with their mother rather than their father prior to parental incarceration (64 percent versus 44 percent,

Mumola, ibid). After parental incarceration, a child whose father is imprisoned usually lives with the mother, while the child of an incarcerated mother is much more likely to live with grandparents, other relatives, or to be placed with foster care agencies. The children of incarcerated women are more than five times more likely to enter the foster care system than children whose male parents were in prison. Thus, the decision to incarcerate a woman with minor children often creates immediate problems for the child welfare system (Bloom and Steinhart, 1993; Acoca and Raeder, 1999). There are several other important concerns unique to incarcerated mothers that we will discuss later in this paper.

The Bureau of Justice reports that the majority of children have never had a personal visit with their incarcerated parent after prison admission, although the vast majority of inmates say that they stay in touch with their children on a weekly basis via letters and telephone calls (Mumola, 2000). Sheer distance seems to be a major impediment to children visiting their imprisoned parents. Most parents are confined in facilities that are more than 100 miles from their last place of residence. Because there are fewer women's prisons, their children often must travel greater distances to visit with their mothers. The barriers to visits are especially difficult for federal prisoners whose place of incarceration is typically very remote from their place of last residence.

Children Adrift

Nearly a quarter century ago, the National Council on Crime and Delinquency (NCCD) and the Children's Defense

Fund (CDF) chronicled the plight of children with incarcerated parents (McGowan and Blumenthal, 1978). Fifteen years later, the NCCD replicated this national study and found that the number of incarcerated women and men had grown tremendously, but there was little or no improvement in the response to their children (Bloom and Steinhart, 1993). Both studies used the title "Why Punish The Children?". The simple, but crucial point was that the children of offenders had committed no offenses, yet they were made to suffer from the "not so benign neglect" of governmental agencies. Both studies documented how neither courts, corrections departments, nor social welfare agencies took any meaningful actions to care for the children of incarcerated parents. These children were often adrift amid a range of official policies and procedures that seemed illogical, at best, and often anti-child at worst.

For example, children who visited their incarcerated parents had to participate in the mass visiting process of state prisons, with no provisions for their childhood needs. NCCD found that it was not unusual for infants and small children to be subjected to strip searches and body cavity intrusions. The children were often left to fend for themselves as the adult visitors discussed a range of complex legal and financial issues.

Social workers were rarely encouraged to facilitate prison visits between children and their parents. There were few provisions for transportation of children to remote prison locations. Those social welfare staff who did try to keep families connected were also subjected to humiliating treatment by corrections officials who claimed to be guarding

against smuggling of illicit goods into the prisons. Children were often quickly moved into foster care settings with little planning for permanent living arrangements. A frequent social welfare response was to place the children with relatives (often grandparents) - this permitted the social welfare agency to provide minimal (or, in some cases, no) financial aid to the "kinship caretakers." Laws in some states prohibited foster care payments to the relatives of incarcerated parents (Bloom and Steinhart, 1993). Kinship care givers are often faced with immediate financial hardships, and they usually lack the legal advocacy resources to navigate through the complex web of welfare regulations. Further, there was little or no screening to determine the fitness of kinship care givers to take custody of a minor child.

Sometimes the children were told that their parent had died, later the story would change (McGowan and Blumenthal, 1978). Few, if any, counseling resources specifically designed to address the needs of those with incarcerated parents were available to the children themselves, or their care givers. Both NCCD studies found that the children of incarcerated parents did not thrive. Parents reported that the children experienced severe problems in school and showed signs of serious mental health and behavioral problems. There is growing research evidence that the children of incarcerated parents (especially those whose mothers are in prison) show much higher rates of subsequent criminal behavior and incarceration (Acoca, 2000; Acoca and Dedel, 1998; Gabel and Johnston, 1995; American Correctional Association, 1990). Thus, the problems of children whose parents are in prison, if not attended to, produce inter-generational patterns of crime and violence.

It is not difficult to imagine how the experience of having a parent locked away in a distant prison would create such adverse impacts on children. For example, the Center for Children of Incarcerated Parents studied the effects of incarceration on 56 children from South Central Los Angeles. The study noted that these children had been subject to a broad range of adverse experiences including extreme poverty, exposure to violence, pre-natal drug exposure, and violent deaths of family members. Added to these extreme stress factors was the forced removal of the parent from the household. The Center found that these children were even more vulnerable to the impact of separation from parents, leading to severe traumatic stress. The traditional role of the parent in helping children deal with difficult life situations is greatly diminished in these families. Stable, nurturing home environments that are key to building resiliency among young children are often absent (Center for Children of Incarcerated Parents, 1992).

The overwhelming evidence from research on early childhood development demonstrates the critical importance of establishing a "strong and enduring attachment bond to at least one care giver during infancy" (Yale Law Journal, 1978:1411-1412). Many scholars have underscored the role of parental attachment in the formulation of healthy emotional and cognitive competencies (Bowlby, 1953; Ainsworth, 1973; Goldstein, Freud, and Solnit, 1973). Moreover, there is strong evidence that the removal of a child from a family may cause additional psychological damage (Wald, 1975). In particular, children who are shifted among multiple care givers often experience great difficulties in establishing close interpersonal relationships. Research has indicated that the

first two years after a child's birth are particularly critical for forming parent-child attachments, although the long-term impact of early separation can he reduced if the child and parent are reunited within a brief time frame (Yale Law Journal, 1978). Little is known about whether the long-term negative consequences of lengthy early childhood separation from parents can be reversed later in life.

Decisions to sever parent-child ties must be grounded in a very careful analysis of potential harms to the child. Families awash in mental illness, drug abuse, violence, and other personal forms of dysfunction can be very hurtful to children. Child welfare professionals must make "life or death" decisions regarding the removal or maintenance of a child in an abusive or neglectful home environment. Social work professionals must also assess whether the provision of appropriate treatment services can greatly reduce the threats to the child while averting the problems created by separation (Wald, 1975). When the case involves incarcerated parents, careful assessment of "best interests of the child" is rare. Parental incarceration often is viewed, per se, as evidence of extreme neglect. The virtual absence of programs that could maintain infant and parent bonds during the criminal sentence makes such considerations moot (Morash et al., 1995). Since it is rare that criminal courts and family courts coordinate their planning, the question of what will become of the child is often an afterthought for the justice system.

Special Burdens of Incarcerated Mothers

No analysis of the problems of children whose parents are incarcerated can ignore the special plight of women in

prison. As noted earlier, women are most likely to be the prime and sole caretakers of their children, and they are more likely to be living in extreme poverty or homelessness Prior to their imprisonment (Mumola, 2000). The incarceration of women has grown rapidly in recent years, particularly as states and the federal government have instituted tough new mandatory sentencing policies as part of the "War on Drugs" (Acoca and Raeder, 1999). Incarceration has displaced probation as the prime sentencing option for many women offenders. Sentencing guidelines have "bootstrapped" sentences for women to more closely resemble the statistical average for men (Acoca and Raeder, 1999). While these changes have been justified in terms of greater equity in the sentencing process, many believe that grave injustices are being perpetrated in the name of gender fairness (Chesney-Lind, 1991; Amnesty International, 1999).

Research has consistently demonstrated that women are most likely to be imprisoned for non-violent crime -- almost 74 percent of women in state prisons were admitted for non-violent offenses, while the majority of men behind bars were convicted of violent crimes (Mumola, 2000). Women are more likely to be low level couriers in drug transactions, and to commit their offenses to satisfy their addictions(Acoca and Austin, 1996). Women are less likely to be disruptive inmates, and have lower rates of recidivism (Acoca and Raeder, 1999). Despite these findings, the reduced danger to public safety posed by women offenders seems is not given any weight as jurisdictions move to more rigid sentencing schemes. Parenting considerations are almost never considered by judges as they set penalties within statutory guidelines systems. This is particularly ironic since an

offender's value to his/her employer can be considered to ameliorate some sentencing guidelines, but their value as a sole care giver is not deemed relevant. Since men are more likely to be employed, and women more likely to be primary care givers, the superficial pursuit of "gender neutrality" produces greater gender discrimination (Raeder, 1993).

Women, unlike men, sometimes are pregnant and give birth while behind bars. Amnesty International (1999) and the United Nations Special Rapporteur on Violence Against Women (1999) have documented the virtual absence of pre-natal care for incarcerated women (Barry, 1991). They have reported several incidences of women forced to give birth in prison cells or corridors, often while they are shackled. Morever, it is customary that babies born to prison inmates are immediately separated from their mothers and placed in emergency foster care or with any relative willing to assume the burden.

This extreme cruelty towards women inmates fits a historical pattern in which women inmates have endured harsh conditions of confinement and been subject sexual abuse by guards (Immarigeon and Chesney-Lind, 1992). Abusive experiences in prison are tragic continuations of physical and psychological abuse that many inmates have endured throughout their lives (Owen and Bloom, 1995; Acoca and Dedel, 1998).

Other social policies have exerted an adverse impact on inmate mothers. National and state reforms in welfare and adoption laws have made it easier to eliminate welfare benefits for women offenders, and have created nearly insurmountable

barriers for inmate mothers who want to be eventually reunited with their children. For example, new federal laws had very negative impacts on inmate mothers. The Personal Responsibility and Work Reconciliation Act of 1996 made it far easier to drop families from the welfare rolls if the parents had criminal convictions for a drug offense. The Adoption and Safe Families Act of 1997 imposed tighter time frames for family courts and the provision of child welfare services to preserve families. Incarcerated women are now much more likely to lose their children to adoption, and less likely to qualify for family preservation services of any sort (Acoca and Raeder, 1999).

Policy and Program Alternatives

The problems of children whose parents are in prison must be addressed, not only for humanitarian reasons, but to attempt to interrupt the intergenerational cycle of crime and violence. The nation can no longer tolerate having over 1.5 million minor children in limbo. The policy and program options are clear, and many sensible solutions have been advocated by many professional groups such as the National Association of Women Judges, the American Bar Association, the American Correctional Association, the Child Welfare League of America, and the National Council on Crime and Delinquency. It is now time for elected officials, courts, and public agencies to begin to implement the necessary reforms.

First and foremost, sentencing options must be expanded to be responsive to the needs of the children of incarcerated parents. This could mean changing sentencing provisions to allow for qualified, low-risk offenders to serve

their sentences in non-institutional settings. Sentencing guidelines must be re-examined to determine if they are overly rigid, and if they create defacto discrimination against parents, especially the primary care givers. Whenever possible these reforms should create alternative sentencing options that permit children to continue to reside with their parents. Where current laws permit, judges should take the offender's care giver role into consideration as part of the pre-sentence investigation. Judges should consider a range of sentencing options that tend to preserve family attachments. These steps presuppose adequate funding of community corrections programs to give the courts appropriate sentencing alternatives that keep families together whenever this is feasible. Legislation enacted in California, and at the federal level, has attempted to dedicate funding for community-based correctional alternatives that keep children and their parents together, but funding for these programs has been woefully inadequate or virtually non-existent.

The child welfare system must accept increased responsibility for the grave challenges faced by children of incarcerated parents. Mechanisms must be established or strengthened to coordinate family reunification services with the courts and corrections agencies. Child welfare agencies should make reasonable efforts to keep siblings together, to place children with responsible relatives, and to facilitate visits between children and their incarcerated parents. Imprisonment, and the barriers faced by incarcerated parents in maintaining frequent contacts with their children, should not be the sole basis for recommendations to terminate parental rights. Policies denying full foster care benefits to legitimate kinship care givers should be eliminated.

Government agencies should develop and fund community agencies who can provide a wide range of support services for incarcerated parents, and the children's care givers. These services should include legal advocacy, training and support for kinship care givers, and additional medical and mental health services for the children, as needed. Existing state and federal child welfare laws should be reviewed to eliminate any unnecessary obstacles or disadvantages created for the children of incarcerated parents

Corrections agencies should implement policies and procedures that promote positive contacts between incarcerated parents and their children. These steps might include placing parents in institutions closest to their children's residence, expanded visiting programs, including special visiting areas for minor children, and increased transportation and visitor support services. Such programs will not only reduce the negative effects of imprisonment on children, but have been shown to reduce recidivism rates (Acoca and Raeder, 1999).

Health care practices must be reformed to provide an appropriate level of care for pregnant inmates. Whenever possible, correctional officials should create n0n-institutional settings for pregnant inmates, and for an appropriate period after the child's birth. In-prison nurseries are a possible option but non-institutional placements are the preferred program option. Corrections agencies should contract with community agencies which have extensive experience working with low-income families.

Pre-release programs for inmates should include training for inmate parents returning to their families, assisting them to regain custody of their children when appropriate, to help secure decent housing, and to find employment. Similar services for inmate parents should be included in parole planning.

Concluding Thoughts

We are still punishing the children. Yet, in punishing the children of inmates, we are ultimately punishing ourselves. The ongoing pattern of societal neglect, and ofttimes hostility, comes back to haunt us in terms of creating more social problems such as violence, drug abuse, and mental illness. Ignoring the problem solves nothing. The number of innocent children who are impacted has grown geometrically, and they will be living in our communities for many years to come. In our collective zeal to condemn lawbreakers, we have inadvertently condemned their children. Basic humanitarian values and considerations of fairness demand that we change existing laws, policies, and practices.

Alleviating the plight of the children of incarcerated parents does not excuse the misdeeds of the parents, nor should it be viewed as ignoring the serious social and psychological problems faced by those inmate parents (many of whom were themselves the children of prison inmates). But, this growing social time bomb must be defused with sound and rational public policies. Greater public awareness of crises faced by these families is a good start. Frank re-examinations of criminal justice and child welfare policies that have worsened this problem should proceed immediately.

Judges can play a crucial leadership role in publicizing the inflexibility and dysfunctional aspects of existing sentencing codes. The judiciary can exercise their discretion to promote sentencing alternatives that attempt to preserve the bonds of parents and children. Advocacy and community-based social service agencies can play a key role in proposing meaningful alternative programs. Corrections and welfare officials need to provide greater training to their staff on the plight of these children and their parents. Budgets for remedial programs must be created and sustained.

It is sometimes fashionable in professional or political conversations to speak cynically about "writing off" this generation of incarcerated Americans. These spokespersons tell us to invest in the next generation -- to provide better health care, more Headstart programs, more after school centers. The plight of the children of America's prisoners shows the obvious vacuousness of these views. **Generations are connected**. You cannot eliminate the parents without profoundly harming their children. Rescuing these children will require far more rational and enlightened legal policies toward their parents. In the end, saving the innocents is one sure way to save our communities and our own families from the cycle of violence that cannot be safely contained by prison walls.

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APPENDIX D

NATIONAL POLICY CONFERENCE

From Prison to Home:
The Effect of Incarceration and Reentry on Children, Families and Communities

January 30-31, 2002
U.S. Department of Health and Human Services
The Urban Institute

Effects of Parental Incarceration on Young Children

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Effects of Parental Incarceration on Young Children

For imprisoned mothers, one of the greatest punishments incarceration carries with it is separation from their children. As one mother put it, "I can do time alone OK. But its not knowing what's happening to my son that hurts

most" (Baunach, 1988, p. 121, cited in Garcia Coil et al., 1998). As this quote suggests, when parents are incarcerated, "what's happening" to their children is a great concern. It is a concern for us as well. Our goal in this paper is to examine the impact of parental incarceration on children's well-being and development, to determine just what is happening to these children.

Several assumptions guided our examination of this problem. First, we assumed that the child is located in a family system and to understand the impact of incarceration on the child, the network of relationships within the family system needed to be considered (Belsky, 1984; Sameroff, 1994). Second, we assumed that the developmental level of the child at the time of parental incarceration and the quality of the relationship the child had developed with the incarcerated parent needed to be considered (Bowlby, 1973). Third, the gender of the incarcerated parent was examined, because separation from mother may affect children differently from separation from father (Parke, 2001) Fourth, characteristics of the extended kin network in which the family of the incarcerated parent is located were considered (Cochran & Brassard, 1979). Finally, the nature and availability of formal institutional supports for the family of the incarcerated parent were given attention (Bronfenbrenner & Morris, 1998).

Scope of the Problem

Who is incarcerated and how many of those incarcerated are parents? According to recent estimates (Mumola, 2000), nearly 3.6 million parents are under some

form of correctional supervision, including parole. Of these parents, almost 1.1 million are incarcerated in federal, state, or local jails. These parents have an estimated 2.3 million children. Alarmingly, the rate of parental incarceration has gone up sharply in the last decade. In 1991, there were 452,500 parents in state and federal prisons, with 936,500 minor children. By 2000, the number of parents in prisons had nearly doubled to 737,400, and the number of children affected rose by over a third to 1,531,500 (Mumola, 2001). Although the absolute numbers have increased, however, the percentage of state and federal prisoners with minor children has not changed over this time period. In 1991, 57% of prisoners had minor children; in 2000, 56% were in the same situation. Moreover, the increase in parents who became prisoners (63%) was similar to the rate of growth for non-parental prisoners (69%) -- a finding that suggests that being a parent is not necessarily a protective factor in reducing the chances of incarceration.

Gender of parent is a major factor in patterns of incarceration; fathers account for 90% of incarcerated parents. However, the number of mothers in prison grew at a faster rate than the number of incarcerated fathers across the decade 1991-2000. There was an 87% increase for mothers, but only a 61% increase for fathers. Not surprisingly, in view of their unequal rates of incarceration, the parents' ethnicity matters, too. As expected, in both state and federal prisons, there are more African American parents (47% and 49% in state and federal prisons respectively) than either Hispanic parents (19% and 30%) or white non-Hispanic parents (29% and 22%). Stating this racial disparity in terms of minor-age children, nearly 7% of African American children, 3% of

Hispanic children, and 1% of white children of the total population of children in the United States had an incarcerated parent (Mumola, 2000).

In terms of age, 58% of children with incarcerated parents are under 10 years of age, with 8 years being the mean age. Nearly half (48%) of the parents in state facilities and over a third in federal prisons (38%) were never married; 25-28% were divorced or separated. Only 23% of state inmate parents and 36% of federal inmate parents were married. In terms of education, most did not have a high school diploma (7% in state prison; 6% in federal prison), but nearly 30% had obtained a GED. Only 13% of state inmate parents reported any college education, but 25% of federal inmate parents reported some college education.

To understand the impact of parental incarceration, it is important to determine the nature of the family living arrangements prior to incarceration. Many of these children were living with non-parental caregivers prior to the incarceration of their mother or father. In fact, only half of the inmate parents in either state (43%) or federal prison (57%) lived with their children at the time of admission to prison. Gender differences are again evident. Specifically, mothers in either state (64%) or federal (84%) prisons were living with their children at the time of admission to prison, in contrast, only half of the fathers were living with their children at the time of their incarceration (44% for state and 55% for federal prison). Unfortunately the nature of the prior living arrangements is not generally considered in assessments of the impact of incarceration or children, but it would be expected that incarceration would carry different meanings

and have different consequences for children who do or do not reside with their parents before incarceration. As we know from other research literatures, meaningful social relationships may or may not exist between children and their non-resident parent (Furstenberg, Morgan, & Allison, 1987; Garfinkel, McLanahan, Meyer, & Seltzer, 1998). The extent to which incarceration disrupts the contact patterns between these non-residential parents and their children, as well as the effects of incarceration on children who were living with their parent at the time of imprisonment, are both issues that merits examination.

Another important issue is who looks after the children when parents are incarcerated. Again the answer varies with the gender of the parent. For incarcerated fathers, the child's mother is the usual caregiver before the father is arrested, and in the case of both state and federal incarceration, 90% of the time, mothers assume the caregiving responsibility after the father goes to prison. On the other hand, when mothers are put in prison, fathers assume responsibility only 28% - 31% of the time. Instead, most commonly, the grandparent becomes the caregiver (53% of the time for state incarcerations and 45% of federal). Other relatives in the kin network pick up the parenting role for between 26% and 34% of the cases. Friends do so about 10% - 12% of the time. Fewer than 10% of the children of mothers in state prisons and fewer than 4% of the children of mothers in federal prisons are in foster care. These disparities in parenting responsibilities mirror the larger picture in our society whereby mothers assume the largest share of parenting in intact families (Coltrane, 1996; Parke, 1996; 2002) and post-divorce families (Hetherington & Kelley, 2001).

On average, mothers and fathers also spend different lengths of time away from their children. Fathers serve 80 months in state prison and 103 months in federal prison, on average, whereas mothers serve 49 months and 66 months in state and federal prison respectively. The lengths of incarceration reflect the nature of the different offenses committed by males and females. Fathers are more likely than mothers to be in prison for violent crimes (45% vs. 26% in state prison; 12% vs. 6% in federal prison). Mothers, on the other hand, are more likely to be in prison for drug-related offenses (35% vs. 23%) and fraud (11% vs. 2%). Therefore, in answering the question of the impact of incarceration on the mother-child versus father-child relationship it is important to consider these gender-related patterns of incarceration. As we note below, although the short-term impact on children may be greater when mothers are imprisoned, the long-term impact of the lengthier period of separation of fathers may bode poorly for maintenance of father-child ties (Gadsden & Rethemeyer, 2001).

The Impact of Incarceration on Children

Incarceration is not a single or discrete event but a dynamic process that unfolds over time. To understand the impact of the incarceration process on children it is necessary to consider separately the short-term effects of the arrest and separation of the child from the parent, the impact of the unavailability of the parent to the child during the period of incarceration, and the effects -- both positive and negative --of reunion after the incarceration period.

It is also critical to consider whether the chiid is living with the parent at the time of incarceration, whether a single or two-parent household is involved, and, in the case of a two-parent household, which parent is incarcerated. As we have noted, only a small percentage of children live with their father as the sole caregiver; it is more usual for children to be living with a single mother prior to incarceration. The most recent figures (Mumola, 2000) indicate that 36% of state and 16% of federal inmate mothers were not living with their children at the time of admission. In contrast, 56% of state and 45% of federal inmate fathers were not living with their children at the time of their incarceration. Thus, when a parent is incarcerated, it is more likely that children will experience separation from mother than separation from father.

Short-term Effects

The arrest phase. Unfortunately, only an incomplete picture of the impact of the initial arrest on children is available. According to Johnson (1991), one in five children is present at the time of the arrest and witnesses the mother being taken away by authorities. More than half of the children who witness this traumatic event are under 7 years of age and in the sole care of their mother. Jose-Kampfner (1995) interviewed 30 children who witnessed their mother's arrest and reported that these children suffered nightmares and flashbacks to the arrest incident. Children in middle childhood who are in school at the time of the arrest may return to an empty residence and be unaware of the arrest of their mother (Fishman, 1983). The impact of father's versus mother's arrest is unknown and needs to be assessed in future research.

The management of the explanation. There is controversy surrounding the wisdom of providing children with information concerning the arrest and the reasons for their parent's incarceration. Some argue that children ought to be protected from the knowledge that their parents are incarcerated as a way of minimizing the trauma associated with the separation (Becker & Margolin, 1967). Others argue that the emotional distress of children is exacerbated by the unwillingness of family, friends or caregivers to discuss their parent's incarceration (Snyder-Joy & Carlo, 1998). This failure to disclose has been variously termed the "conspiracy of silence" (Jose-Kampfner, 1995) or "forced silence" (Johnson, 1995). Mothers are usually the ones who take responsibility for explaining the situation to the children - regardless of whether or not they are the incarcerated parent. For example, Sack, Seidler and Thomas (1976) found that in only 7 of 31 cases did the father or both parents together offer the child an explanation. Moreover, when explanations were provided, they were often vague and general; one typical mother told her children that their father "did wrong and had to be punished." Other explanations were distorted or deceitful. Deception took a variety of forms, from total lies to strong shading of the truth, in which prison was referred to as an army camp, a hospital or a school. Total deception occurred in 4 of the 31 families in the study, and partial deception occurred in another 6 families. In other words, nearly a third of the families engaged in some form of deception. Similarly in a much larger study carried out in England, Morris (1965) reported that 38% of the families used partial or total deception in explaining a parent's incarceration to the children.

What is the impact of this "conspiracy of silence" or deception on children? In light of the literature on children's coping (Ayers, Sandier, West, & Roosa. 1996; Compas, 1987), which suggests that uncertainty and lack of information undermines children's ability to cope, it is not surprising that children who are uninformed about their parent's incarceration are more anxious and fearful (Johnson, 1995). Although the situation of a parent lost through death is more extreme, some of the insights gained from this literature concerning ways of helping children cope with loss is instructive. As Nolen-Hoeksema and Larson (1999) argue, children need honest, factual information, and they need to have their experience validated. Providing children with reliable, dependable information allows them to begin to make sense of their situation and begin the dual processes of grieving the loss of their parent and coping with their new life circumstances. On the other hand, silence about the parental incarceration often results not from a deliberate attempt to deceive the children but from an effort to avoid other complications. As Johnson (1995, p. 74) notes "There may be a very good reason for such a forced silence; family jobs, welfare payments, child custody, and even housing may be jeopardized when others become aware of the parents' whereabouts. However, children of prisoners are more likely to have negative reactions to the experience when they cannot talk about it."

Long-term Effects

A variety of long-term effects of parental incarceration on children have been identified. The long-term impact varies with a variety of factors, including the developmental level of

the child.

Incarceration and infants. A small number of women (6%, U.S. Department of Justice, 1994) are pregnant at the time of their incarceration, but few prisons in the United States permit mother to keep their infants with them during incarceration (Gabel & Girard, 1995). In most cases, mothers of newborn infants are permitted only a few days of contact before they must relinquish their infant and return to prison. As a result, there is little opportunity for the mother to develop a bond to the baby or for the baby to become familiar with the mother and form an attachment to her -- a critical developmental task for both mothers and infants. As Myers et al. (1999) note, after the mother's is released, she comes home to an infant or young child with whom she has not developed an emotional bond and who is not attached to her, with the likely result that the children will have emotional and behavioral problems.

Incarceration and young children. Even if a child-parent attachment bond has already developed, as in the case of infants who have been in their mother's or father's care for the first 9 to 12 months of life, the disruption associated with parental incarceration will likely adversely affect the quality of the child's attachment to their parent (see Thompson, 1998, for a general discussion of the effects of separation on attachment in non-incarcerated samples). Even less drastic changes such as job loss, divorce, or residential re-location have been found to adversely affect the quality of the infant or toddler child-parent attachment quality (Thompson, Lamb, & Estes, 1982; Vaughn et al., 1979). Insecure attachments -- a consequence of adverse shifts in life circumstances -- in turn,

have been linked to a variety of child outcomes, including poorer peer relationships and diminished cognitive abilities (Sroufe, 1988). In light of the results of this research on separation and attachment, it is not surprising that when their parents are incarcerated, young children (ages 2 - 6 years) have been observed to suffer a variety of adverse outcomes that are consistent with the research on the effects of insecure attachments (Johnson, 1995). In fact, according to one estimate (Baunach, 1985), 70% of young children with incarcerated mothers had emotional or psychological problems. Children exhibit internalizing problems, such as anxiety, withdrawal, hypervigilance, depression, shame and guilt (Bloom & Steinhart, 1993; Dressier et al., 1992). They exhibit somatic problems such as eating disorders. And, perhaps most clearly, young children exhibit externalizing behaviors such as anger, aggression, and hostility toward caregivers and siblings (Fishman, 1983; Gaudin, 1984; Johnston, 1995; Jose-Kampfner, 1995; Sack et al., 1976).

Incarceration and school-age children. School-age children of incarcerated parents exhibit school-related problems and problems with peer relationships. Sack et al. (1976) reported that over 50% of the children of incarcerated parents had school problems, such as poor grades or instances of aggression, albeit many of these problems were temporary. Among the younger children (6-8 years old) in the Sack et al. (1987) study, 16% exhibited transient school phobias and were unwilling to go to school for a 4-6week period after their parent's incarceration. In another report, Stanton (1980) found even higher rates of school problems: 70% of 166 children of incarcerated mothers showed poor academic performance and 5% exhibited classroom behavior problems. Another school-

based problem is that children are sometimes teased or ostracized by other children as a result of their parent's incarceration (Jose-Kampfner, 1991). As Reid and Eddy (this volume) note, as children reach adolescence, suspension and dropout rates are higher for these children (Trice, 1997).

Effects of incarceration on boys verus girls. Although it would be expected that boys would be more adversely affected by this stressful separation -- in light of evidence that boys are more vulnerable to stressful changes than girls are, in general (e.g., Hetherington et al., 1998), the evidence on this issue is unclear. Instead, the most likely scenario is that both boys and girls are adversely affected by parental incarceration, but their modes of expressing their reactions differ. Boys are more likely to exhibit externalizing behavior problems, while girls are more likely to display internalizing problems (Cowan et al., 1994; Cummings, Davies, & Campbell, 2000).

What leads to these problems? The answer to this question is not simple. There are a number of interpretative problems that merit elaboration. First, incarceration is often preceded by a period of familial instability, poverty, child abuse or neglect, marital discord and conflict, or father absence. A combination of these conditions may have already increased the base rates of children's problem behaviors. Consequently, without measures of the child's environment and behavior prior to incarceration, it is difficult to attribute the problem behaviors to incarceration per se. Other events also transpire at the time of incarceration that could account for some of the negative effects on children. Re-location and placement with alternative caregivers are both major

disruptions in the children's lives, which past research has shown to be detrimental to children (Rutter, 1987). A similar set of interpretative problems has plagued the literature on the effects of other kinds of stress, such as divorce on children's functioning (Hetherington & Kelley, 2002; Hetherington et al., 1998).

Modifiers of Children's Reactions to Incarceration

Before the incarceration, during incarceration, and during the reunion phase after incarceration, different factors modify children's reactions.

Pre-incarceration conditions. The most important predictor of how well the child will adjust to the immediate separation is the quality of the parent-child relationship. Theoretically, a high quality parent-child relationship should serve as a protective or buffering factor in helping the child cope with the temporary loss of a parent (Myers et al., 1999; Thompson, 1998). Unfortunately, however, many parents who end up in prison are limited in their parenting abilities, and thus this potential protective factor is unavailable to their children (Johnston, 1991). Unfortunately, research is not available to determine empirically whether children with a closer relationship with their parent transcend the separation with greater ease.

Another predictor or how well the child adjusts to parental incarceration is likely to be the quality of relationships with the extended family and non-family informal social networks This support is especially relevant when the father is incarcerated and leaves the mother to cope

as a single parent. There is an extensive literature that suggests that the quality of family ties within the extended family network is related to mothers' more positive parenting attitudes and behavior (Cochran & Brassard, 1979; Cochran, 1995). In addition, Crnic, Greenberg, Ragozin, Robinson, and Basham (1983) reported that mothers with higher levels of informal social support were more responsive and affectionate with their infants. More recently Goldstein, Diener, and Mangelsdorf (1995), similarly, found that women with larger social networks were found to be more sensitive in interactions with their infants. In turn, the children of parents who receive more social, emotional, and physical support are better adjusted than children of parents with limited kin or network support (Thompson, 1995). Moreover, when it is the mother rather than the father who is incarcerated, extended family members such as grandmothers often assume the role of primary caregiver (Mumola, 2000). To the extent that the child has already established close emotional relationships with the extended family, the trauma of transition to grandmother care will be lessened (Bloom & Steinhart, 1993).

Factors during incarceration. The major determinants of child adjustment during the period of parental incarceration are (1) the nature and quality of the alternative caregiving arrangements and (2) the opportunities to maintain contact with the absent parent.

As we have noted, the gender of the incarcerated parent is a major determinant of the type of alternative care arrangement. When fathers are incarcerated, the mother is generally the caregiver who continues to be responsible for

child care; when mothers are incarcerated, grandmothers assume their responsibility (Bloom & Steinhart, 1993; Mumalo, 2000). The latter arrangement provides greater continuity for the child relative to foster care because the child is with a familiar caregiver. Moreover, kinship placements tend to be more stable and avoid transethnic discontinuities that are likely to occur in the foster care system. It is assumed that children make better adjustments in kinship homes, but comparative studies of kinship versus foster care placements are not available. Moreover, there are problems with kinship arrangements as well. Young and Smith (2000) cite a range of challenges faced by grandparents raising grandchildren, including emotional, physical, and financial difficulties, which, in turn, may undermine their effectiveness as substitute caregivers. As in the case of grandmothers raising infants for their teenage daughters (Brooks-Gunn & Chase-Lansdale, 1995), the relationship between the grandmother and the incarcerated mother is often strained and characterized by a range of negative feelings such as resentment, anger, guilt, or disappointment (Bloom & Steinhart, 1993; Young & Smith, 2000). In turn, this complicates decision-making on behalf of the child, which requires cooperation across generations if the child's best interests are to be served. Parallel problems are evident in joint custody arrangements after divorce (Hetherington & Kelley, 2001; Maccoby & Mnookin, 1993). Grandmothers serve as gatekeepers in terms of their children's access to the parents just as divorced mothers regulate fathers' access to their children (Braver, 2000). In spite of this potential barrier to maintaining contact, 94% of caregivers Surveyed by the National Counsel on Crime and Delinquency endorsed the idea that contact between mother and child is important and 97% helped

promote contact during incarceration (Bloom & Steinhart, 1993).

The second important determinant of children's adjustment to their parent being in prison is regular contact with the incarcerated parent. Institutional, attitudinal, and practical barriers make this contact difficult to maintain, however. As Young and Smith (2000) note, correctional policies regarding visitation and phone use make it difficult for mothers to stay in touch with their children. Facilities are typically located in remote areas, often long distances from where children and caregivers live, making visitation extremely difficult for families with limited resources, and visitation hours are scheduled for set times each week rather than depending on would-be visitors' schedules (Kaplan & Sasser, 1996). In addition, rules about who is eligible to visit, the number of visitors allowed at one time, appropriate behavior during the visit, lack of privacy, harsh treatment of visitors by correctional staff, and the physical layout of the visiting room often deter family members and caregivers from coming. Other problems include child-unfriendly visiting rooms, lack of privacy, and increased anxiety on the part of the visiting child (Bloom & Steinhart, 1993; Simon & Landes, 1991). These conditions, in part, flow from cultural and institutional beliefs that incarcerated individuals, including parents, do not deserve privileges such as family visitation. As Clark (1995) notes, the children become the "unseen victims" of a mother's incarceration. Parents', caregivers', and social workers' attitudes also play a role in visitation patterns. Some resist the idea of visitation by children either because of the unpleasant and inhospitable visiting conditions (Hairston, 1991) or because of their belief that visitation will

produce negative reactions in the children (Bloom & Steinhart, 1993). However, Johnston (1995) found that the excitability and hyperactivity 'associated with children's visitation were relatively short-lived and there was no evidence of long-term negative responses. Visiting can calm children's fears about their parent's welfare as well as their concerns about the parent's feelings for them (Sack, 1977). Investigations of the patterns of visitation reveal that approximately half of incarcerated parents do not receive any visits from their children (Snell, 1994). Children are most likely to visit their mother in the first year and less likely to do so after this initial period. Moreover, even when children do visit, they do not visit often. According to one large-scale survey of state prison inmates, only 8% of the incarcerated mothers saw their children as often as once a week; 18% saw them once a month; 20%, less than once a month (U.S. Department of Justice, 1993).

Programs for Incarcerated Parents

Programs to aid incarcerated parents and their children take a variety of forms and are targeted at several different audiences -- imprisoned parents, alternative caregivers, and the children themselves. Moreover, these programs are delivered by a range of agents and agencies, including prison social work agencies, schools, and clinics. In addition, goals and timing of interventions vary. Some aim to increase contact between incarcerated parents and their children; some attempt to improve the structure of visits and facilitate family interactions; others seek to improve parenting skills of incarcerated parents; still others have the goal of easing the inmate parents' reentry into society and the parental role by

offering post-incarceration training, job placement services, and housing assistance. Unfortunately, although such programs exist, information about which approaches - if any-- are most effective is limited. A variety of problems characterize research in this area. The major problems include the lack of comparison groups, failure to carry out systematic evaluations of the impact of the interventions, use of non-standardized measurement instruments, and limited follow-up to assess the long-term effects of the intervention.

Interventions for parents. In light of the well-documented finding that many incarcerated mothers are limited in their parenting skills (Johnston, 1991), several programs have been developed to provide parent education for incarcerated mothers. Improvements in parenting practices, we expect, will result in improvements in children's adjustment to their parents' incarceration and reentry. Educational programs vary in their samples, their assessment methods, and their training strategies. In one model program, Showers (1993) compared 203 women who completed a parent education curriculum based on the Systematic Training for Effective Parenting program (STEP; Dinkmeyer & McKay, 1982) with 275 women who were being released without taking the classes. The intervention involved 15 hours of instruction over a 10-week period. Women in both groups completed a 36-item Child Management Behavior Survey, which assessed knowledge about child development and child behavior management techniques before and after either the educational intervention or, in the case of the comparison group, on two occasions without an intervening educational program. There were significant improvements for women in the intervention group in comparison with the control group.

Moreover, the effect held for both Caucasian and African-American women. Recidivism rates were altered too: for those in the intervention group, the rate was 1%, versus 19% for the participants in the comparison condition. In a smaller scale effort, Moore and Clement (1998) provided twenty mothers with 18 hours of parenting instruction over 9 weeks and compared these mothers to twenty waiting-list control mothers. Mothers in the treatment group, compared with those in the control group, showed a significant increase in knowledge about positive management techniques from pre- to post-test periods. Two other studies reported significant improvements in parenting as a result of educational interventions, but lacked comparison groups and therefore are difficult to interpret. Harm and Thompson (1997) provided weekly parent education classes over a 15-week period and reported improvements in self-esteem, increases in positive attitudes about parenting, and self-reported improvements in the quality of the mother's relationships with their children. Finally, Brorone (1989) reported improved self-esteem after 96 hours of instruction over a 24-week course. However, this investigator also reported more endorsement of physical punishment and an increase in inappropriate expectations -- findings that are inconsistent with the investigator's hypotheses and with other work in the area.

These studies alone do not make a compelling case for this approach to intervention, although the overall picture is positive. However, the success of parent training programs with non-incarcerated parents in modifying parent-child interaction patterns and parental behavior and, in turn, improving children's adjustment, suggests that it is worthwhile to continue to develop parent educational

intervention for incarcerated samples as well. Examples of recent well-designed and carefully evaluated parent education interventions include programs for single mothers (Forgatch & DeGarmo, 1999), for parents of children making the transition to school (Cowan & Cowan, 2001), and for parents of high-risk children (Ramey et al., 2001). It is unfortunate that, in the studies of incarcerated mothers, more attention has not been given to the impact of intervention on the parents' behavior and parent-child interaction patterns instead of merely the well-being and attitudes of the incarcerated parents. Our assumption that these programs will, in fact, benefit children of incarcerated parents as well as parents themselves remains an untested assumption.

Another assumption is that fathers as well as mothers could benefit from parent-education intervention. There is a growing research literature that suggests that non-incarcerated fathers of various types -- single, married, non-custodial -- improve their parenting skills and their relationships with their offspring as a consequence of parent education programs (see Fagan & Hawkins, 2001). Support for the effectiveness of parent education for inmate fathers comes from one recent study by Wilezck and Markstrom (1999). After an eight-session STEP parenting class, the fathers scored higher on parental knowledge and parental efficacy and decreased their belief that fate or chance played a role in their parenting. They also experienced higher overall satisfaction with their parenting. Inmate fathers in the control group did not show any significant changes. As in the studies of interventions with incarcerated mothers, measures of the impact of the parental intervention on the children were not collected. In a related project, Harrison (1997) found that male inmates who

participated in a 6-week program including parent education and behavior management training, compared with fathers in a control group, improved their attitudes toward appropriate parenting. Harrison did measure children's perceptions of their own self-worth in this study and found no differences between children of fathers in the experimental and control groups. However, there was little visitation between fathers and their children in either condition, and, therefore, limited opportunity for the changes in fathers' attitudes to be expressed and changes in children's attitudes to follow.

More evidence of the effect of a father-oriented intervention on children comes from a study of the effects of "filial therapy" training on the father-child relationship (Landreth & Lobaugh, 1998). According to Landreth and Lobaugh, filial therapy training teaches parents basic child-centered play therapy skills and helps them learn how to create an accepting environment in which their children feel safe enough to express and explore their thoughts and feelings. In comparison to fathers in a control group, the fathers in the 10-week training program scored significantly higher on both their acceptance of their children and their empathic behavior toward their children. These fathers scored significantly lower than control fathers on parenting stress and on perceptions of problem behavior in their children. Of particular relevance to this review was the finding that the children of the fathers in the play therapy program showed a significant increase in their self-concept relative to children of control fathers. The relative success of this approach in promoting positive change in the children stems, in part, from the fact that both fathers and their children were participants in the program, not just fathers alone. As Cowan et al. (1998)

argue, programs that focus on both partners in a relationship are often more effective than focusing on only one member of the dyad. A word of caution about the generalizability of these findings is necessary, however. The success of this program was due, in part, to the availability of the children to participate in weekly sessions with their fathers. In many families, practical constraints, such as conflicting schedules and long distances between home and prison, limit children's participation in such programs.

Beyond the Incarcerated Parent: The Family Unit as a Target of Intervention

Most programs have focused on the incarcerated parent and given less attention to the needs of either the non-incarcerated partner or the couple. The importance of focusing on the family unit stems from claims that post-release success is higher among inmates who have maintained family ties during incarceration (Clements, 1986; Hairston, 1987). Interventions can be directed to the marital unit, which is often strained by the incarceration. A variety of mechanisms, including conjugal visits, furloughs, and family and marital counseling, have all been suggested as ways of strengthening the marital relationship. The United States lags other countries (e.g., Mexico, Sweden, Denmark, and Canada) in providing those conjoint family services when one parent is incarcerated. In view of the clear links between the quality of the marital relationship and child outcomes -- either directly or indirectly through parenting -- it is critical that more effort be devoted to this form of intervention (Grych & Fincharn, 2000).

Another form of conjoint family intervention when one parent is incarcerated involves the provision of services to all family members. In a promising but extremely small-scale demonstration, Marsh (1983) provided parent education aimed at improving communication and child management skills to couples in which the fathe, was incarcerated. Both the inmate father and his wife attended eight weekly classes. Communication skills increased in all parents, and child management skills increased in two of the three families in the program, as evidenced by observations of parent-child interactions in the home. By providing services to help the non-incarcerated parent deal with the problems of temporary single parenthood, the children's adjustment could be enhanced and the marital relationship could be stabilized as well.

Visitation Programs

In spite of the problems associated with child visitation of incarcerated parents noted earlier, many parents feel that, on balance, visits are worthwhile. As one incarcerated mother put it, "The main advantage of the visits are tightening up the relationship, watching your children grow, how you've changed, being able to love one another" (Datesman & Cales, 1983, p. 147, cited by Bloch & Potthast, 1998). In light of sentiments like these, several women's institutions have developed visiting programs for inmates. Features of these programs include special play areas for parents and children, extended visits, more flexible scheduling, and special housing of children in the institution (Clement, 1993). Evaluations of visitation programs underscore the benefits of these efforts. For example, Snyder-Joy and Carlo (1998) initiated a mother-

child visitation program for 40 mothers and their children, which provided special monthly visits in addition to regular visits. Activities (crafts, games, reading, etc.) were encouraged in a room set aside for these programs, and transportation was provided as well. Based on interviews with 31 mothers and 27 waiting-list control mothers, Snyder-Joy and Carlo found that program mothers had more frequent contact with their children and spent more time discussing issues of importance to them, such as their behavior and feelings. The mothers' fears about their parenting abilities decreased, and they viewed their children as doing better than control mothers did. The mother's perceptions of the quality of their relationships with their children, however, were not different in the two groups.

A second visitation program is the Sesame Street program (Fishman, 1983). In an effort to alleviate congestion in the visiting room, let parents communicate without interruption by young children, and provide children with an accepting environment in which to express their feelings about the prison, a number of prisons have opened special playrooms adjacent to the visiting room. Children can visit with their incarcerated parent and then go to the playroom when they get restless. There they participate in educational and entertaining activities. Parents indicate that children are eager to visit the prison; inmates and their families find visiting more rewarding; and correctional administrators have accepted the project as an important service to the institution.

Another example of a parent-child visitation program is "The Girl Scouts Beyond Bars Program" (GSBB; Bloch & Potthast, 1998). Objectives of the Girl Scouts program were

to provide enhanced visiting between mothers and daughters so as to preserve or enhance the mother-daughter relationship, to reduce the stress of separation, to enhance the daughter's sense of self, to reduce reunification problems, and ultimately to help decrease the likelihood of the mother's failure in the community. To achieve these goals, the program provided transportation and regular Scout troop meetings for mother and daughters at the prison. Outside the prison setting, the girls participated in other regular Girl Scout activities (field trips, meetings), without their mothers, as well. Some GSBB programs offered both parenting programs for mothers and counseling for their daughters, in addition. Evaluations indicate that the GSBB program increases the frequency of daughter-mother visitation and improves the quality of the visits and the mother-daughter relationship. Moreover, daughters' self-esteem was enhanced, new friendships with peers were formed, and problems associated with separation were lessened. Daughters were less sad, angry, and worried about their mothers, and, in most cases, grades improved as well. Further work is needed to disentangle which of the multiple program components, such as increased visitation, involvement in organized activities, new friendships, or exposure to non-parental adult mentors, were responsible for these positive outcomes.

Co-detention: Raising Children in Prison

A central assumption underlying our review is that separation of parent and child during incarceration is detrimental to the parent-child relationship and to the child's adjustment. Several innovative programs in the USA and Europe have been designed to allow the mother and child to

remain together during some portion of the incarceration period. Prison nurseries, in which the mother gives birth in prison and raises the infant in the institution have a long history in the United States. Since 1901, the nursery program in the Bedford Hills Correctional facility in New York, the oldest such program in the country, has housed female inmates who have given birth during their prison stay. Mothers and infants are permitted to stay together until the child's first birthday and a parenting program is provided as part of the program. Unfortunately, there has been no formal evaluation of this effort. A program developed in the Nebraska Center for Women was modeled after the Bedford facility to provide a live-in nursery for infants up to 18 months of age. Only mothers who are eligible for release within 18 months can participate in the program, which also provides parenting and child development classes. In a preliminary evaluation of 11 women, Carlson (1998) found that 8 of them felt that the program increased mother-child bonding and all of them felt that the parenting classes improved their parenting skills. Moreover, misconduct reports for these women while they were in prison decreased, relative to rates observed prior to entry into the program, and recidivism rates after they were released were lower. The latter finding, if it is confirmed by further investigation, is of great importance for children's adjustment. If recidivism can be reduced, children will be spared the trauma of repeated separation, which, in turn, will improve their psychological adjustment. A further argument in favor of co-detention is that this arrangement provides an opportunity for the mother and child to develop a close emotional attachment or to maintain the relationship that they have already formed. However, there are several negative aspects to prison-based co-

detention. These include restrictions on the child's freedom and the impoverished environment of the prison institution, which may lead to some impairment of young children's cognitive development. European countries offer a variety of approaches to co-detention that avoid these problems. In Hungary, for example, pregnant women's sentences are often delayed up to a year to permit the woman the opportunity to give birth and care for her child at home (Jaffe, Pans, & Wicky, 1997). In France and Switzerland, co-detention programs have been organized to permit mother and child to be together for a 2-3 year period in a special prison section adapted to children's needs and providing an enriched prison milieu and opportunities to experience life outside prison (Jaffe et al., 1997).

Alternatives to Incarceration

Many of the problems associated with either separation from the parent or co-detention can be avoided by provision of some form of community-based sentencing, instead of prison-based incarceration (Meyers et al., 1999). These alternatives include house arrest, half-way houses where mother and children reside, and day programs in which mothers attend programs in a correctional institution during the day but are permitted to return home at night. Devine (1997) surveyed 24 community-based programs for mothers and children in 14 states. Community sentencing programs yielded reduced recidivism and increased family preservation -- outcomes that have positive implications for children's adjustment. In view of the cost effectiveness achieved by reducing the number of incarcerated women, it is surprising that these types of programs are available to only a small

percentage of women violators. Because the vast majority of offenses committed by women are relatively minor and non-violent (e.g., drugs, prostitution), alternatives to regular incarceration merit more consideration (Jaffe et al., 1997).

Programs for Children of Incarcerated Parents

Although most intervention programs are designed for the incarcerated adults rather than their offspring, there have been some attempts to intervene directly with the children. These interventions can take a variety of forms, including individual counseling or therapy, family therapy, or group therapy, located in schools, clinics, or prisons. We have already reviewed "Girl Scouts Beyond Bars," a program that includes not only visitation opportunities but non-prison group activities as well. Another small-scale intervention program for children with incarcerated parents was conducted by Springer, Lynch, and Rubin (2000). A group of five Hispanic 4th and 5th grade children met for a 6-week period under the guidance of two adult leaders. It has long been believed that a group approach is most effective for children of incarcerated parents (e.g., Konopka, 1949). Group treatment can address the need for social support and provide a structured setting for expression of mothers' concerns (Springer et al., 2000). Groups can diffuse the sense of shame that often accompanies parental incarceration, as children learn that other group members have similar experiences (Kahn, 1994). In their study, Springer et al. compared shifts in self-esteem for children in the intervention group with children in a waiting-list control group. Children in the intervention group increased in self-esteem, while control children showed a slight decrease in self-esteem over the 6-week period (effect

size = .57). These results were similar to those in studies of group treatment for children and adolescents of non-incarcerated parents, according to a meta-analysis by Hoag and Burlingame (1997; effect size for differences between group treatment and wait-list and placebo control groups = .61). The Springer study does suggest that sons and daughters of incarcerated parents can benefit from a time-limited group intervention; however, the small sample size (N= 10 across both experimental and control groups) and the restriction of the sample to Hispanic children limits the generality of their results.

Another promising approach to intervening directly with the children of incarcerated parents can be found in the Youth Advisory Program. This is an intervention aimed at adolescents. It addresses issues of the adolescents' feelings of isolation, self-esteem, and shame, helps them deal with their peers regarding their absent parent, directs them in making positive choices, setting goals, and developing support systems, and promotes an understanding of the corrections system (Weissman & La Rue, 1998). This approach could be modified for use with younger children and pre-adolescents. In light of the evidence that children who begin a deviant career path early in childhood are more likely to develop stable, serious criminal patterns (Moffitt, 1993; Patterson et al., 1989). it is particularly important that intervention begin in childhood to try to avoid a deviant trajectory.

Parental Re-entry: The Implication for Children

As detailed by Jeffries (this volume), the impact of parental incarceration on children does not end with the

release of the parent. Children, as well as their parents face a range of problems challenges and opporturiities when the parent and child are reunited after the incarceration is over. In addition to the problems faced by the parent, such as finding a job and housing and re-integrating into the community, the child and parent face the formidable task of re-establishing their relationship. This task of reuniting is a complex one, because new relationships have been formed during the period of the incarcerated parent's absence. The parent is reentering a revised family system, one that was formed or stabilized without clear roles or responsibilities for the returning parent. As Sullivan (1993) observed in his ethnographic studies of both incarcerated and non-incarcerated young unwed African-American fathers, family members may limit a returning father's access to his children. Or a mother may have begun a new relationship during the incarcerated father's absence, and that may discourage the involvement of the reentering father with her or the child (Furstenberg, 1995; Nurse, 2001). Perhaps most critical, the child may have developed close ties with a substitute parent, such as a grandmother or foster-care parent. The process of shifting the focus of intimate relationships from this caregiver to a long-absent, returning parent may be disruptive for the child and present another stressful transition that further underminesthe child's adjustment. To date, little is known about either the short-term consequences of this process of reestablishment of ties with an absent parent or the long-term effect on the child's well-being. A variety of factors will likely affect the transition, including the quality and duration of the parent-child relationship prior to incarceration, the nature and extent of contact between parent and child during incarceration, the quality, stability, and duration of the new caregiver-child

relationship developed during incarceration, and the management of the transition back to the original parent-child caregiving arrangement. In addition, the option to maintain ties with multiple caregivers -- the parent and the substitute caregiver -- after the reentry of the incarcerated parent is probably a further determinant of child adjustment. Finally, the implications of non-reunion for the child's adjustment merit examination. The 1997 Adoption and Safe Families Act mandates termination of parental rights if a child has been in foster care for more than 15 of the last 22 months (Genty, 1998). This often has consequences for children of incarcerated mothers, because women typically serve 18 months in prison. Thus, many children are deprived of their right to reunite with their mother. Although the reunion process is a complex one, it is unclear whether being in permanent foster care is preferable, especially in light of the relative instability of foster-home placements (Beckerman, 1998; Genty, 1998). On the other hand, some recent evidence (Horowitz et al, 2001) suggests that children's functioning in foster care improves over time. The debate over permanent placements for children of incarcerated parents is far from settled (Beckerman, 1998).

Problems Associated with Intervention and Evaluation Efforts

In formulating an agenda for future efforts in this area, it is important to recognize the difficulties of conducting theory-based intervention with this population (Eddy, Powell, Szubka, McClool, & Kuntz, 2001) Acdording to Eddy et al., several problems limit the scope and type of interventions that can be implemented. One problem is the high prevalence of mental impairment among incarcerated parents and the

concomitant difficulty these parents have with reading. It is critical that intervention materials be written and administered at an appropriate level. Second, barriers to acceptance by prison staff have to be overcome. As Hairston (1991) found in a survey of prison policies and practices, correctional institutions are not generally supportive of inmate-family relationships or family-oriented services. A third set of problems relates to the dynamic nature of inmates' families. As Eddy et al. found, families of inmates exhibit frequent changes in roles and relationships. Some male inmates may be involved with multiple families as a result of having children with several women. The nature of these family ties, including the amount and frequency of contact, the quality and quantity of parenting, and even the parent's knowledge of children's living arrangements varies across inmates. This family instability both during and after incarceration presents serious problems for any longitudinal research design. Transience of inmates after release and of partners and children during incarceration pose additional problem for follow-up research. Whereas 16% of Americans move in a given year, Eddy et al. report that 62% of inmate participants in their study moved at least once in the previous year. At a 6-month follow up, only 5% of subjects were still residing at their pre-arrest residence.

Theoretical Perspectives to Guide Research and Policy

A variety of theoretical perspectives are relevant to this topic and can usefully provide guidelines for the design of future research, intervention, and policy. These theoretical perspectives include developmental and ecological contexts and cross-level analyses of the individual child and parent, the

parent-child dyad, the family network, the community, the institution, and the culture.

Developmental theory. From a developmental perspective, several theories are relevant to understanding the consequences of parental incarceration. One important theory is Bowlby's (1973) attachment theory. This theory serves as a framework to aid in understanding the importance of the development of the parent-infant or parent-child relationship. According to Bowlby, the lack of opportunity for regular and sustained contact between an infant and parent will prevent the development of the infant's attachment to the parent. After an attachment has developed, separation from the parent can generate a set of adverse emotional reactions from sadness to anger, which, in turn, will interfere with the optimal development of the child (Sroufe, 1988). At the same time, children can form multiple attachments, including attachments to fathers and other non-maternal caregivers, as well as to mothers. The fact that infants can develop strong attachments to their fathers (Parke, 2002) underscores the importance of assessing the reactions of children to separation from their incarcerated fathers as well as reactions to the loss of their incarcerated mothers. It also suggests that children who "lose" their relationship with an incarcerated parent can be helped by forming or maintaining a secure attachment relationship with another caregiver. For example, Howes and Hamilton (1993) found that children with an insecure attachment with mother but a secure attachment to a day-care provider tended to be more socially competent than insecurely attached children who had not formed a strong compensatory relationship outside the family. This work underscores the need to assess the quality of children's attachment

relationships with alternative caregivers such as grandparents when the parent is unavailable due to incarceration. Finally, Bowlby's theory alerts us to the fact that mothers experience anxiety just as children do when the two are separated.

Life-span theory. According to the life-span theory of development (Elder, 1998), development is a process that continues throughout the life cycle into adulthood. Childhood is important, but other ages are also important in shaping later stages of development. The importance of examining developmental change in adults is gaining recognition, and it is now appreciated that parents continue to change and develop durifig their adult years. For example, age at the time of onset of parenthood can have important implications for how women and men manage their maternal and paternal roles. In the current context, how parents and their children adjust to the parent's incarceration will vary greatly depending on the age of the parent as well as the developmental level of the child. According to life-span theory, change over time can be traced to three sets of causes. First, there are normative events and experiences that most children and adults undergo at roughly the same ages. Second, there are unexpected events that push development in a new direction. Incarceration, like job loss, divorce, or death of a family member, is one of these events. Third, historical time periods can influence development. Historical periods provide the social conditions for individual and family transitions, and across these periods, incarceration, its consequences, and policies may vary. Over the last several decades, there are a number of secular changes that could affect families' reactions to incarceration. These include declines in fertility and family size, the increased participation of women in the workforce,

the rise of divorce and the increase in the number of single-parent families. These societal trends and the historical era in which the incarceration takes place can profoundly shape the management of the child and their subsequent developmental outcomes.

Developmental analyses need not be restricted to the level of the individual, either parent or child, but refer to dyadic and family levels as well. At the dyadic level, relationships (between husband and wife, mother and child, father and child) may follow separate and partially independent developmental courses over childhood (Belsky et al., 1989; Parke, 1988). At the family level, changes in structure (e.g., through the loss of the incarcerated member or the addition of the child to a foster family or a grandparent-headed household) also occur over time, with implications for both children and caregivers. The mutual impact of different sets of relationships on each other varies as a function of the nature of all these developmental trajectories.

Risk and resilience theories. Another set of theorists (e.g., Luthar, Cicchetti, & Becker, 2000; Rutter & Sroufe, 2001) have recognized that children's successful adaptation in the face of stressful life events like the incarceration of a parent varies as a function of two things: the form and frequency of the risks and the protective or resilience factors that buffer the child from the adverse events. Individual children respond to risks in a variety of ways. Some suffer permanent developmental disruptions and delays. Others show sleeper effects; they appear to cope well initially, but exhibit problems later in development. Still others exhibit resilience under the most difficult circumstances and may even be

strengthend by it. Moreover, when they confront new risks later in life, these children seem better able to adapt to challenges than children who have experienced little or no risk, a kind of inoculation effect (Hetherington, 1991; Rutter & Rutter, 1993). Three sets of protective factors have been identified that appear to buffer the child from risk and stress and promote coping and good adjustment in the face of adversity. The first set of factors consists of positive individual attributes. Children who have easy temperaments and high self-esteem and who are intelligent and independent are more adaptable in the face of stressful life experience (Rutter, 1987; Werner, 1993). Girls and women have a slight edge on resiliency in comparison with boys or men. The second set of protective factors is found in a supportive family environment. The presence of a supportive parent can help buffer the adverse effects of poverty, divorce or incarceration (Luthar et al., 2000). The final set of factors involves people outside the family, in the school system, peer groups, or churches, who support children's and parents' coping efforts.

Cumulative risk models. Cumulative risk models A closely related theoretical perspective with clear relevance to the issue of the effects of incarceration on children is the cumulative risk perspective (Rutter, 1987; Sameroff et al., 1998). According to this perspective, risks often co-occur and are best understood not as single events, but as sets or combinations of events. Children are most likely to be adversely affected when multiple risks co-occur. Moreover, the nature of the particular risk may be less critical than the number of risks that the child encounters. In the case of incarceration, it should be recognized that any attempt to attribute effects on children to parental incarceration alone

may be doomed to failure, because many events before, during, and after the incarceration co-occur and contribute to child outcomes. For example, children who suffer the loss of a parent through imprisonment may also be at risk because of poverty, changes in residence, shift in caregivers, and stigmatization by peers and community. Recognition of the multiple risks experienced by children of incarcerated parents is a critical step in gaining a better understanding of the multiple factors that contribute to children's adjustment and merit consideration for designing interventions and crafting social policy.

Putting the pieces together. No single theoretical perspective is sufficient to encompass the complexity of the problem of parental incarceration. Instead, a framework that integrates these perspectives into a unified theoretical whole is necessary. A transactional model of risks and supports associated with parental incarceration is presented in figure 1. Incarceration and reentry increases the probability of parents' and children's encountering a set of interrelated risks. These risks interact and are mediated in a variety of complex ways, just as in the case of other transitions such as divorce and remarriage or job loss (Conger & Elder, 1994; Hetherington, Bridges, & Insabella, 1998). According to our model, incarceration leads to changes in family composition and shifts in caregiving arrangements. The ability of alternative caregivers to cope adequately and to avoid depression will affect the child indirectly through caregiving processes. Other variables serve as moderators. Children's coping strategies, for example, serve as a moderator of the effects of caregiving processes on children's adjustment. Similarly, the opportunity to maintain contact with the parent during the period of

separation will modify the nature of the parent-child relationship, which, in turn, will affect children's adjustment. Different variables may play different roles at various points across time. For example, whereas child characteristics may play a similar role during separation and reunion, the quality of caregiving processes (e.g., the child's relationship with the alternative caregiver) may play a protective role during parental incarceration but present a risk to successful reunion with the incarcerated parent after the separation is over. Finally, as the risk and resilience perspective suggests, it may be the balance between risks and resources that determines the impact of stresses of parental incarceration and reentry on children. Our argument is that static and cross-sectional slices out of the lives of parent and children yield a misleading portrait of how risk and protective factors operate across time to affect children's adjustment to parental incarceration. As our figure suggests, only by examining this issue in a dynamic and transactional framework will we fully appreciate the complexities of the interacting trajectories followed by parents, alternative caregivers, and children across time and the roles of risks and protective factors in accounting for variations in children's outcomes.

Research and Policy Issues: A Look Ahead

In the closing section we outline a series of issues, both research and policy issues, that need to be addressed if we are able to make serious progress in understanding the issue of parental incarceration.

Research issues. In view of our conceptualization of this issue as a dynamic set of processes that unfold over time,

the most important need is to design and execute prospective, longitudinal studies of the effects of parental incarceration on children. Only by doing so will we be able to trace the various pathways followed by different children and begin to describe the nature of the changes that affect the child's functioning. This type of design requires the identification of parents at risk for incarceration before the period of incarceration occurs, so that pre-existing conditions and relationships can be described. This design would be a step toward disentangling the impact of incarceration per se from the impact of preexisting family conditions on children's subsequent adjustment. These children and their incarcerated parents would then be followed during the period of incarceration through the post prison period of reunion. In recognition of the difficulty of this type of prospective approach, careful retrospective interviews with the incarcerated parent, the child, and informed kin could begin to provide a profile of life in these families before incarceration. Second, designs should include developmentally sensitive measures that have been well-standardized and demonstrate adequate psychometric properties. Third, multi-measure and multi-informant designs are needed. Direct assessment of children is needed, as much of the literature relies on potentially-biased parental reports (Meyers et al., 1999). Observation of children in a variety of contexts (home, school, playground) with a variety of interactive partners (parents, substitute caregivers, siblings, peers) would begin to provide a solid descriptive data base. Careful evaluatioias of children's psychological functioning and patterns of coping are also needed (Johnson, 1998). Fourth, more attention needs, to be given to the unique effects of the incarceration of fathers versus mothers. Less attention has been paid to

paternal incarceration than to maternal imprisonment, but the father-child relationship is an important focus for future research and policy efforts (see Gadsden & Rethemeyer, 2001, for a recent report on this issue). Fifth, it is increasingly recognized that cultural background plays a major role in shaping children's reactions to various types of family transitions and stressors and in developing the coping strategies children and families use in the face of adversity (Demo, Allen, & Fine, 2000; Parke & Bufiel, 1998). Therefore, the role of incarcerated parents' cultural and ethnic backgrounds needs to be given more attention in future research. Sixth, research needs to move beyond simple descriptions of differences in children to explanations of processes in the individual, family, context, or culture that account for children's adjustment. Only when we have begun to identify these processes will we be positioned to design meaningful theory and data-based interventions. Seventh, our interventions need to be theoretically guided and should be viewed not simply as a plan to help children and/or their families but as an opportunity to evaluate the adequacy of our theories as well. Eight, progress is likely to flow from recognition of the need for interdisciplinary research teams. A variety of disciplinary specialists including child developmentalists, family psychologists, social workers, criminologists, and organizational and community social scientists each have important and distinctive perspectives to offer and need to work cooperatively in the design and evaluation of research and intervention efforts.

Policy needs. The major policy issue that needs to be addressed in this area is "connecting the systems" (Adalist-Estrin, 1994). In many states, fragmented services and

agencies result in service gaps, unmet needs, and overlapping or conflicting service delivery agendas (Phillips & Bloom, 1998). The systems that provide services for children and families affected by incarceration need to coordinate their efforts across time to permit continuity of services. For example, decisions and services on behalf of family members during incarceration need to be recognized in the planning of post-incarceration services to ensure continuity across the transition from prison to home. The criminal justice system, including correctional officers and prison administrators, needs to be involved in decision-making about family contacts and family support. The social welfare system needs to be involved with the family members of incarcerated parents to provide coordination between their services and the needs of the imprisoned parent (visitation, reentry services), and, in turn, these activities need to be coordinated with the criminal justice system, including prison and later parole systems. For children, schools need to be partners in the support provision process so that the child's needs beyond the family setting are recognized. Only when all the various players -- courts, prisons, community and social service agencies, schools, and policy makers -- begin to coordinate their efforts will we be able to develop and implement programs that will maximally support children, families, and kin of incarcerated parents. Second, and equally important, social policy needs to address the issue of public attitudes toward incarcerated individuals and their families. By educating the wider community about the needs of incarcerated parents, their children. and their families, more humane policies may emerge and the difficulties faced by these individuals will be better appreciated. Third, in recognition of the diversity in our society and the disproportionatenumbers of minority group

members who are incarcerated, social policies should be made more culturally sensitive. If they are to be maximally effective, social policies, social services, and intervention programs need to be tailored to the needs of different cultural groups.

Parke and Clarke-Stewart, The Effects of Parental Incarceration on Young Children

[fold-out exhibit]

Figure 1. A transactional model of the predictors of children's adjustment following parental incarceration and reunion (after Conger & Elder, 1994; Hetherinton et al., 1998)

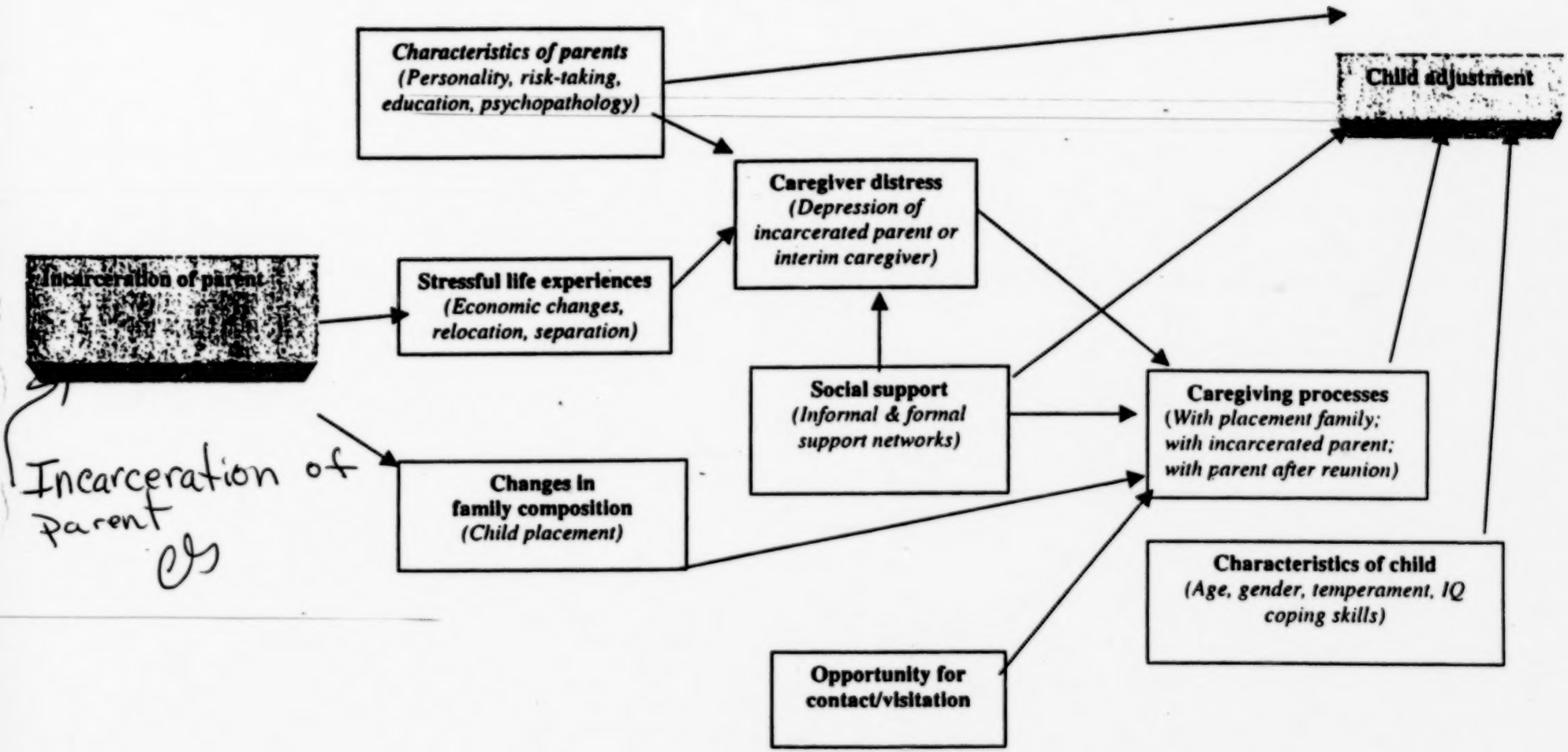

Figure 1. A transactional model of the predictors of children's adjustment following parental incarceration and reunion (after Conger & Elder, 1994; Hetherinton et al., 1998).

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APPENDIX E

NATIONALPOLICY CONFERENCE

From Prison to Home:
The EffeCt of Incarceration and Reentry on Children, Families and Communities

January 30-31, 2002
U.S. Department of Hearth and Human Services
The Urban Institute

Prisoners and Families:

Parenting Issues During Incarceration

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Prisoners and Families:
Parenting Issues During Incarceration

The preservation and strengthening of families has a longstanding history as a United States public policy priority and as a major objective of governmental agencies and not for profit service organizations. Social welfare policies and programs that help families protect, nurture and care for their children and adult family members are recognized by the nation's political leaders as a social investment and many formal and informal efforts are directed toward that end. Notwithstanding the millions of families affected by incarceration on any given day, the well being of prisoners' families and children has not been an important part of this social policy agenda. Similarly, services and activities that assist prisoners in carrying out family roles and responsibilities have seldom been included in the strategic plans of social services agencies or corrections departments.

Several recent developments are challenging the historical treatment of prisoners' families in public policy discourse and decision making. Among these factors are a United States correctional population numbering over two million and growing, unprecedented increases in the number of women prisoners, disproportionate numbers of imprisoned African American males, high recidivism rates, and the community reentry of hundreds of thousands of prisoners annually. Also relevant are efforts to address the tremendous cost of maintaining large numbers of children in foster care placements and of providing welfare assistance to poor women and children. These pressing issues have led

politicians and social scientists alike to examine more closely the consequences of the nation's war on drugs and, in so doing, to discover that incarceration has an impact that extends far beyond the men and women who are imprisoned. Consequently, questions are now being raised about the impact of imprisonment on children and families and the extent to which prisoners' families might be resources and assets, rather than liabilities, in promoting safer, resourceful communities. Recognition that the majority of women and men in prison are parents of dependent children and concerns about intergenerational crime and children at risk have placed parenting issues at the center of these discussions.

This paper provides an overview of family matters during incarceration as one means of informing public debate and actions in this emerging area of social policy and practice. The problems that families face when a parent is incarcerated and the strategies they use to manage those problems are described. The relevance of the maintenance of prisoners' family and parental relationships to societal and family goals are discussed and the ways in which social policies and administrative practices hinder or support family maintenance are examined.

The Importance of Family Matters

Social scientists and program providers define the significance of families and family ties to prisoners and to the achievement of social goals in numerous ways. The impact of incarceration on families has been conceptualized as a form of family crises (Fishman, 1990), loss and demoralization (Schneller, 1976) and victimization of children (Bloom and

Steinhart, 1993). More recent work has focused on social capital and the impact of social disinvestment in prisoners' families and communities (Hagan and Coleman, 2001) and on the unintended and intended consequences of social policy (Hairston, 1998; Hairston, in press).

Studies using theoretical perspectives which focus on the positive roles and functions that families serve as opposed to the problems that they experience indicate that families are important to prisoners and to the achievement of major social goals, including the prevention of recidivism and delinquency. Hairston's (1988; 1991a) review of research on prisoners' family relationships yielded two consistent findings; male prisoners who maintain strong family ties during imprisonment have higher rates of post release success than those who do not and men who assume responsible husband and parenting roles upon release have higher rates of success than those who do not. Dowden and Andrews' (1999) analysis of research on female offenders identified family process variables as the strongest predictors of female offenders' success and Slaght (1999) found family relationships to have a significant influence on relapse prevention among parolees. Social scientists and practitioners have used these findings to surmise that programs including family members in prisoners' treatment during incarceration and after their release can produce positive results for prisoners, families, institutions, and communities (Jeffries, Menghraj, and Hairston, 2001; Wright and Wright, 1992).

Practitioners providing or advocating for parenting programs in prison offer the perspective that incarcerated parents' involvement with, and attachment to, their children

can prevent intergenerational crime and that parenting programs can teach and help parents become better parents. Although the effectiveness of these programs in achieving that objective has not been soundly demonstrated, the reasoning behind program intervention has a strong research and theoretical base. The importance of family relationships and parenting practices in child development and the prevention of delinquency is a recurring finding in studies of delinquency (Tolan, Guerra, and Kendall, 1995) and the maintenance of family ties for incarcerated individuals has been found to be important for juveniles as well as adults (Borgman, 1985). The more nurturing aspects of parenting, or absence thereof, i.e., parental involvement, attachment and rejection have also consistently shown a strong association with delinquency (Larzelere and Patterson, 1990). Moreover, research indicates that the effects of parental criminality on delinquency are indirect and mediated by parental attachment and parental discipline style (Larzelere and Patterson, 1990).

Family Definitions

Most studies of prisoners' families define families as married couples and study the wives of incarcerated husbands and their children or define families as single mothers who are assumed to be the sole care givers for their children. Studies by Bakker, Morris and Janus, 1978; Carlson and Cervera, 1991; Daniel and Barrett, 1981; Fishman, 1990; Schneller 1976; and Swan, 1981 are examples of the former and Baunach, 1985; Bloom and Steinhart, 1993; Hairston, 1991b and Hungerford, 1993 are examples of the latter. Fathers and their children (Hairston, 1989; 1995; Lanier, 1991, 1993; Martin 2001) and the caregivers of children of incarcerated

mothers (Bloom and Steinhart, 1993; Poe, 1992) have also been studied but these are far less popular topics in prisoner family studies.

Surveys of prisoners indicate that prisoners' family networks are far more complex than these subgroups suggest. The majority of fathers and mothers in prison are not married (Mumola, 2000) and many have parented children with more than one partner (Hairston, 1995). Fathers' provider and nurturing roles differ for their different children. Some children lived with them at the time of arrest; others they saw regularly and supported financially and others they neither saw nor supported. Children who lived with their fathers were the fathers' youngest child or children. Fathers supported these children financially and shared caregiving with the children's mothers who were also household members. Fathers consider their children to be family but do not regard the mothers of their children as such if they are not in a committed relationship with these mothers. (These mothers are not insignificant in family life, however, as they control fathers' access to their children before, during, and after imprisonment.) On the other hand, they may consider the children of women with whom they lived prior to incarceration and/or have a romantic attachment as family though they are not the biological fathers of those children.

Many mothers do not function in the single parent roles typically depicted in stories about single parent homes. Prior to incarceration, substantial numbers of mothers in prison shared caregiving responsibilities with children's fathers, other family members and/or close friends (Mumola, 2000). Forty percent of incarcerated mothers in a national

survey had relinquished responsibility for the physical care of their children to others, usually kin or individuals who were the same as kin (Mumola, 2000). Some mothers had none of their children living with them at the time of arrest; some had all of them and some had some of their children living with them. Many mothers who do not have responsibility for the care of their children still see them regularly (Hairston, 1991b). Others do not see their children at all because the children are under the custody of the child welfare department and/or mothers' parental fights have been terminated.

Prisoners' mothers are the central family figure in prisoners' lives, a finding that is not surprising given the high percentage of African American prisoners in most studies and the central role of mothers depicted in sociological descriptions of African American families. (See, for example, Martin and Martin, 1995.) Mothers are male and female prisoners' most important sources of support, their most frequent visitors and, in the case of incarcerated mothers, the caregivers for their children (Hairston, 1992, 1995). Yet, the impact of incarceration on these mothers and the mothers' influences on their grandchildren and incarcerated children have not been a research focus. Similarly, studies have looked only superficially at extended kinship networks though the social and behavioral sciences literature on African American families identifies these networks as crucial in understanding African American family structure, adaptability and functioning. (See, for example, Martin and Martin, 1996.)

Financial Difficulties

Most families experience financial losses as a result of parental incarceration and the loss is greatest for those families who try to maintain the convicted individual as a family member. There are the costs of maintaining the household, the loss of income of the imprisoned parent who was contributing to the household, legal fees associated with criminal defense and appeals, the costs associated with maintaining contact during imprisonment and the costs of maintaining the prisoner while he is in prison. At first glance, it appears that since many prisoners were not employed and a high percentage had drug problems they were drains on family income rather than contributors and that their imprisonment places families in a better, rather than worse, financial position. This is no doubt the case in some situations.

Although there are no published research reports of the numbers of families who are in a worse, as opposed to better, financial position when a family member is incarcerated, there are several indicators that the majority of families are affected negatively. Surveys of wives whose husbands are in prison identify financial problems and the loss of spousal income as a major problem (Daniel and Barrett, 1981; Fishman, 1990; King, 1993, Schneller, 1976). Some of the mothers of children to whom fathers in prison are not married, but were paying financial support or contributing in other ways such as providing child care, also experience financial losses as a result of the incarceration of those fathers. Parental incarceration probably has no, or very limited, financial impact on children and family members who were not a part

of fathers' lives prior to their arrest.

Grandparents and other relatives who take care of the children of incarcerated mothers, certainly incur additional financial expenses. The mothers are not able to provide financial support and if they were receiving welfare benefits prior to incarceration, those monies are not automatically awarded to the grandparents. If grandparents are eligible for welfare benefits, they still suffer a financial deficit because these benefits do not cover the full cost of providing care. Some caregivers must discontinue their paid employment in order to assume child care responsibilities, thereby resulting in further income losses. Studies of grandparents raising grandchildren affirm that financial problems are one of their main difficulties in caring for their grandchildren (Altschuler, 1999; Bloom and Steinhart, 1993; Petras, 1999; Poe, 1992).

Relatives caring for the children of prisoners incur additional financial expenses if they promote the maintenance of parent-child relationships. Allowing children to converse with their incarcerated parents by phone is a very expensive endeavor. Depending on the prison, a thirty minute phone call once a week could put a $125 or higher dent in the family's monthly budget. Prison visits are also not a cost free endeavor; monies must be budgeted to cover transportation, usually to geographically remote locations, meals and vending machine snacks during visits, and, sometimes, overnight lodging.

Relatives find that providing money and other items to their imprisoned relatives is a byproduct of maintaining family contact. Many basic items that prisoners need or want are not

furnished by correctional institutions and pay for prison work is generally too meager to purchase them. Families either voluntarily, or by request, send money to the prisoner for toiletries, reading materials, stamps, food and clothing. They also pay involuntarily for prison medical visits and health care, institutional fines and child support when corrections departments collect money from prisoners for those services/items by placing a levy on all monies that are deposited in prisoners' financial accounts.

Parent-child Relationships and Children's Care

The protection, care, and nurturance of prisoners' children is a primary concern of prisoners and their families. When parents go to prison, most children go, or continue, to live with relatives (Bloom and Steinhart, 1993; Mumola, 2000). Children's care arrangements provide love, connections to kin, and a sense of belonging, but they are not ideal. There is a marked physical absence of men and father figures in the daily lives of prisoners' children as women carry the primary, and often sole, responsibility for caregiving for the children of both imprisoned men and women (Bloom and Steinhart, 1993; Hairston, 1991, 1995; Mumola, 2000). In addition to having limited financial resources, many grandparent caregivers of the children of incarcerated mothers are elderly, have health problems, and were not planning to take on new child care responsibilities (Bloom and Steinhart, 1993; Petras, 1999).

Neither children's custodial nor imprisoned parents are adequately prepared to address children's needs arising from parental incarceration. Parents are ambivalent about children's

visits with their incarcerated parents and about what to tell children about their parents' incarceration. Some children do not know that their father or mother is in jail because relatives have told them the parent is away for other reasons such as the army, school or work. If the child did not live with the parent and their time together was sporadic, the child may not be told anything about the parent's absence (Hairston, 1991b).

Some parents do not want their children to visit them in prison and/or make no effort to contact their children. They do not believe children's custodial parents will welcome such contact, don't know where their children are, or think such visits will be too emotionally painful. Some parents in jail reason that they will be away only a short time and that there is no need for children to visit (Hairston, 1991b). Other parents mistakenly believe that there is little that they can do for their children from prison and that they can make it all up to them once they are released. Mothers and fathers in prison report that their children's "other" parents also limit or deny communication between them and their children and frequently cite conflict between the parents and/or with other family members and limited financial resources as major factors (Hairston, 1991; 1995; Nurse, 2001). Research providing the perspectives of children's other parents, namely the women to whom incarcerated fathers are not married, is not a part of the current knowledge base.

Children's custodial parents and other care givers are not the only ones opposed to children's communication with their incarcerated parents. Both corrections and social services professionals raise questions about the wisdom of children's visits to prison, citing concerns about the oppressive prison

environment and children's acceptance of incarceration as normal. Others have questioned if contact between prisoners and their children should be encouraged for prisoners in general (given assumptions about their criminality, dangerousness, etc.) or for certain groups of criminals, namely fathers who have been violent with children's mothers. There is no body of theory or research that would support prohibiting prisoners' communication with their children as a matter of social policy and practice; on the contrary scientific studies point to the positive aspects of children's ongoing involvement with and attachment to adults who care about them and to the negative effects of father absence and family disruption. There are well established practice principles to guide professional decisionmaking and protect children from individual situations that may be harmful to them and a professional obligation to remove prison visiting environments as obstacles to parent child relationships.

Although most mothers and a substantial number of fathers plan to reunify with their children upon their release, they worry that their children will be taken from them or that someone else will take their place in their children's lives (Hairston, 1991b, 1995; Koban, 1983; Lanier, 1991). The fear that children will be taken by the state or that their parent-child bonds will be legally severed is harbored by fathers and mothers (Baunach, 1985; Hairston, Wills and Wall, 1997).

Prisoners' personal situations and child welfare policies and practices indicate that these fears are not unfounded. Although visiting increases the prospects for

reunification of separated families, most parents in prison never see their children. Each parental prison term reduces the likelihood that children will reside with their mothers upon release and recidivism is quite high (Hairston, 1991b). Most fathers do not have a legal or emotional bond with their children's mothers (Hairston, 1995; Mumola, 2000; Nurse, 2001) that might be expected to support reunification of households. In addition, communication between these mates or former partners is more often contentious than cordial (Hairston, 1995; Jeffries, Menghraj and Hairston, 2000; Nurse, 2001). Though one might expect married prisoners to be in a position that protects or supports their relationships with their children, many marital relationships are strained and end during imprisonment (Hairston, 1991; Lynch and Sabol, 2001; Sharp and Marcus-Mendoza,1998).

Incarcerated parents whose children are under the custody of the state definitely have reasons to be concerned about the legal and permanent severance of parent- child bonds. Parental rights can be terminated in some states solely on the basis of criminal activity and incarceration. Termination can also occur if parents fail to communicate regularly with their children or fail to adhere to prescribed treatment program plans. Furthermore, a relative's ongoing contacts with an incarcerated parent has resulted in the state agency's disapproval of that relative as an acceptable foster and adoptive parent.

The Adoption and Safe Families Act of 1997 (ASFA), enacted with the intent of achieving permanency for children, has the strong potential to lead to less, rather than more, stability in the lives of prisoners' children. There are no

published research reports of the impact of the law on parents who are prisoners or reports of the analyses of the approaches states are using to apply the law to incarcerated parents. Johnston (2001) reports, however, that her preliminary analysis of data obtained in a study of children of prisoners in long term foster care shows increased parental fights terminations following passage of the legislation.

Theoretically, few prisoners are able to meet the requirements of the law. The average prison stay is longer than the period in which termination procedures are required to begin and it is very difficult for parents in prison to comply with child welfare mandates. Prisoners have little or no control over their contact with their children or over their ability to participate in treatment programs. In addition, correctional institutions and child welfare departments do not have a history of collaboration or systems in place to address prison parenting issues when parents are in prison and children are wards of the state.

Though parental concerns about parental rights are grave, there is perhaps an even more pressing social issue and concem about children's futures. A fundamental question that remains to be answered is what will happen to these children once their parents' rights are terminated. If large numbers of parents will no longer be legally responsible for their children, then who will be their parents? Will prisoners' children become permanent wards of the state who then move from one foster care placement to another? Who and where are the families waiting in line to adopt prisoners' children, especially given the pervasiveness of a "like father, like son" public attitude and scholars' declarations that children of

prisoners are five or six times more likely to become criminals themselves (Reed and Reed, 1997)? Is ASFA predicated on the assumption that it is better to have no one to call morn or dad than it is to have a parent who is a convicted criminal? Or have the implications of this law for prisoners' children simply been overlooked in the political debates.

Emotional and Social Issues

Prisoners and their families experience a tremendous sense of loss when incarceration occurs and that loss is compounded when children are involved. Couples are usually denied sexual intimacy and are unable to engage in the day to day interactions, experiences and sharing which sustain marital and other intimate, adult relationships. Loneliness and missing each other and a host of other feelings about the separation, justice system, criminal activity, and each partner's honesty and faithfulness are common. Guilt and a sense of relief that a troublesome relative has finally been sent away are also among the emotions experienced by prisoners' kin. Difficulties in adjusting to separation and loss has led to depression and other mental health problems among prisoners and their families (Daniel and Barrett, 1981; King 1993; Lanier, 1993).

Incarcerated mothers cite separation from their children as one of the most difficult aspects of imprisonment (Baunach, 1985; Hairston, 1991 b) and incarcerated fathers and mothers worry about what is happening to their children during their absence (Hairston, 1991; Hairston, 1995; Lanier, 1993; Martin, 2001). Parents believe their children are in safe living situations and are not being abused or neglected;

nevertheless, they worry about their children's well being and about their guidance and supervision (Hairston, 1992, 1995). Some worries may be attributed to the fact that parents in prison have limited contact with their children and rely on relatives and friends for information about their children.

Prisoners' children and families must also deal with feelings of shame and social stigma. Imprisonment is not a reason for celebration nor a reason to be proud. It is not the goal one seeks for oneself or one's children. Many family members do not tell even their closest friends about a relative's incarceration and go to great lengths to protect the prisoner's children from the consequences of revealing this family secret. Depending on the crime and the prevalence of imprisonment in the neighborhood in which they live, family members may not be the objects of social stigma or hostility in that neighborhood (Schneller, 1976). There is, nevertheless, a social stigma which families experience from other elements of society. The spouse, parent or child of a prisoner may not experience stigma directly until they reveal the incarcerated relative's status to a child's teacher or to a prospective landlord or until the family moves to a prison town (Fishman, 1990; Koenig, 1985).

Information Needs

Families' lack of understanding, and access to information, about criminal justice processing provides yet another challenge to normal family functioning. Often close relatives' knowledge of the prisoner's crime and sentence amounts to little more than "She's doing time for drugs." Unless they are regular visitors to a correctional institution

and/or have a lot of savvy and connections with prison family support groups, their knowledge of correctional system policies and procedures is not that extensive either.

Information about prison operations is obtained primarily from other families and through frustrating experiences. The dissemination of formal policies and regulations to families is not a standard correctional practice. If rules governing family communication are posted at prison facilities, they are often outdated and/or may require considerable use of visiting time to read and digest. In addition, family members are generally not able to speak with anyone in authority who is either able or willing to provide information about the prisoner's status or to explain or provide a rationale for rules, their varying interpretations or the most recent changes in policy application. With few exceptions, useful information is not available to families via handbooks or public websites either. The absence of information dissemination is not one of capacity, however, since numerous departments of corrections use their public websites to provide registries of prisoners' and former prisoners' pictures and criminal histories.

Uncertainty about the prisoner's situation and questions about the corrections department's rules and policies that are intertwined with that uncertainty, are one of the greatest concerns of prisoners' families (Ferraro, Johnson, Jorgensen, and Bolton, 1983; Fishman, 1990). Families seeking benefits and services for children cite similar confusion and frustration in understanding child welfare rules and regulations and the eligibility requirements and operating procedures of other human service systems (Petras, 1999;

Poe, 1992).

Prisoner-Family Communication

Communication between prisoners and their families provides the most concrete and visible strategy that families and prisoners use to manage separation and maintain connections. Families visit their imprisoned relatives at the institutions where they are held, talk with them by phone, and exchange cards and letters as a means of staying connected. These contacts allow adults and parents and children to share family experiences and participate in family rituals, e.g., birthday celebrations, religious observances, etc. and help them to remain emotionally attached. They help assure incarcerated parents that their children have not forgotten them and children that their parents love and care about them. They allow prisoners to see themselves, and to function, in socially acceptable roles rather than as prison numbers and institutionalized dependents.

Departments of corrections permit these type communications between prisoners and their kin and encourage the maintenance of family ties, in theory, as desirable correctional practices. In actuality, the support for prisoners' family relationships vary considerably from one jurisdiction to another and within jurisdictions from one facility to another. As a rule, prisons allow families and children to visit though prisoners in administrative segregation or super maximum prisons may be restricted to televideo and other types ofnoncontact visits. Some jails allow only non contact visits and/or prohibit children from visiting. Six states permit prisoners to have private family visits on prison

grounds with their spouses and children; a few allow non violent women prisoners with infants to reside in alternative community residences. Most prisons for women, and a few for men, provide parent education courses and a few offer other parenting supports including counseling, parent support groups, and special visiting areas and programs for parents and their children. (See Bates, 2001 and Jeffries, Menghraj, and Hairston, 2001 for descriptions of parenting programs).

The correctional policies and practices that govern contact between prisoners and their families often impede, rather than support, the maintenance of family ties. The security and safety rationale that dominates the prison environment is obvious in some policies. The primary intent of others, e.g. the rate structure for prisoner telephone systems, seem to be to subsidize prison budgets and generate profits and/or to exert social control, not only over prisoners, but over their kin as well. Rules frequently bear little relevance to correctional goals and are insensitive to prisoners' family structures, cultural differences and children's needs. Many rules appear to be arbitrary; others are inconsistently interpreted and applied by different staff members and with different visitors (Fishman, 1990; Jeffries, Menghraj, and Hairston, 2001). Policy obstacles to the maintenance of parent-child relationships include policies requiring children's custodial parents to escort them on visits, limiting children visitors to those for whom birth certificates listing the prisoner as the biological parent are produced and placement of prisoners in locations hundreds or thousands of miles from their homes.

For many families and friends of prisoners, the visit to a prison is a lesson in humility, intimidation and frustration and a highly charged and anxiety producing event (Fishman, 1990; Girshick, 1996). It is not unusual for visitors, the majority of whom are women and children, to endure many indignities. Among the problems noted in the Florida Legislature's report of prison visiting in that state were long waits sometimes in facilities without seating, toilets and water; the lack of nutritious food in visiting room vending machines and the absence of activities for children (Taylor, 1999). Body frisks and intrusive searches, rude treatment by staff, and hot, dirty and crowded visiting rooms are the norm in many prisons. Visitors may be denied entry to the prison for diverse reasons including constantly changing dress codes, no identification for children, and ion drug scanners that inaccurately signal that a visitor is carrying drugs.

Pitching in and Helping

Family members rely primarily on each other, rather than on formal organizations to maintain family connections and address children's and adult family members' problems related to parental incarceration. When the protection of children and the maintenance of parent-child relationships are involved, many incarcerated parents and their relatives are wary of formal organizations, avoid them when they can, and find them to be less than helpful (Beckerman, 1994; Hairston, Wills and Wail, 1997; Bates, 2001).

Families engage in a process of role change and adaptability that can be referred to as pitching in and helping out. Some relatives pitch in by taking full or major

responsibility for something the prisoner used to do. The grandmothers, sisters, and aunts who take on child rearing responsibilities for dependent children of single mothers and fathers in prison are examples. The spouses of men and women in prison who take on new roles in financially supporting their children and new decisions making roles are other examples. Some relatives help out with new responsibilities that families acquire as a result of incarceration, e.g. negotiating with the prison system, accepting collect phone calls from the prisoner and then serving as an emissary between the prisoner and his/her children and other relatives or arranging for and paying the costs of prison visits.

Prisoners who maintain family connections also adapt to new family roles. Incarcerated parents are not in a position to make significant financial contributions to their family, no matter the presence of child support orders, nor are they able to physically take care of or protect their children. Family role expectations of prisoners, therefore, center on demonstrations of caring and concern for children or other family members or participation in decisionmaking about select family issues. Prisoners participate in family life by sending cards to acknowledge birthdays and other events of family relevance, calling home or the place where other family members have gathered on holidays, writing letters to inquire about and encourage children's progress in school and giving advice on how to handle different problems.

Pitching in and helping out, like so many aspects of incarceration, are not without problems. Pitching in can raise feelings and family tensions among relative helpers who are

concerned about "having to help out again" or having an unfair share of the burden. It can also be taxing and burdensome, especially when prisoners make selfish demands or when relatives feel the incarcerated individual had already "burned his/her bridges" before incarceration. Many prisoners also experience difficulties adjusting to new roles and expectations. Prisoners who were accustomed to being independent and the family provider, for example, express strong feelings about occupying a less central and more dependent role in the family pecking order (Fishman, 1990).

Some families do seek assistance--medicaid, relative foster care payments, or public assistance welfare benefits from human services organizations as an alternative or supplement to family help. They do so at great emotional and social costs as help seeking from organizations exposes the family to external scrutiny, raises the risk of children being removed from the homes of relatives or friends and placed in foster care, and exposes families to the shame and stigma that having a relative in prison can bring. When seeking help they may, therefore, choose not to reveal that parental incarceration is the precipitating factor. Some needy families do not seek help because they are not aware of their eligibility for benefits and do not have information that would help them access those resources (Bloom and Steinhart, 1993). Others see little reason to engage in organizational efforts that will be of little benefit to them and could exacerbate the prisoner's situation. It is hardly worth the effort to seek child support if the money will go to the state's coffers or the prisoner is not making any money. It is ludicrous to do so when family members are the primary contributors to the prisoners' trust account. Furthermore, most communities do not have services

to help families address needs specific to incarceration (Bates, 2001; Jeffries, Menghraj, and Hairson, 2001).

Policy Directions and Strategies

The preservation and strengthening of prisoners' family ties and parent-child relationships will require vision and direction from the highest levels of public policy decision making and a fundamental shift in the prevailing system responses to prisoners' children and families. It is not reasonable to place the responsibility for the creation of family oriented prison environments and system-wide change on individual prison administrators and directors of corrections departments. In the face of escalating prison budgets and priorities focused on safety and security, few will make family matters and post release success major goals or priorities.

The administrators who have maintained comprehensive parenting programs at New York's Sing Sing and Bedford Hills correctional institutions for several years are the exceptions rather than the rule.

Congressional bodies and state legislatures must take ownership of family related incarceration issues as a matter of national interest and make prisoners' family matters an integral part of the discussion on criminal justice and family policy. Sentencing policies, alternatives to corrections, prison locations and funding for family programs and services are legislative issues. It is equally important for legislators to exercise oversight over correctional policies and practices and to use the power of the law to remove obstacles to children's

and families' well being. The correctional environment and what goes on in prison are not internal matters to be left to the discretion of prison administrators. They are instead public concerns with relevance to broad social welfare goals and of importance to different community constituencies.

It is important for child welfare and correctional leaders and professional associations to develop principles and national standards covering parents in prison and their children and to adopt these standards as a part of the accreditation process for child welfare agencies and correctional institutions. When parents are in prison and their children are under the custody of the state, families and children experience unique problems and corrections and child welfare staff are faced with unique challenges. Most states do not have child welfare policies or procedures to address parenting issues during incarceration and workers are left, more or less, to their own problem solving initiative and ingenuity. Child welfare-corrections system partnership models, family oriented policy directives and agency protocols are necessary components of serious efforts to meet the best interests of the child.

New York has devoted resources to address criminal justice- child welfare collaborations and the Illinois Department of Children and Family Services has a staff liaison who handles situations involving children whose mothers are in prison. Development, replication and evaluation of approaches such as these and dissemination of products and program reports will prevent "reinvention of the wheel" and enhance agencies' ability to meet children's needs.

Research on prisoners' family roles and relationships and family matters in the criminal justice system must be conducted and the findings incorporated in policy and program development and implementation. No federal agency or foundation has provided funding to launch a comprehensive program of research on families and the correctional system or identified this topic as a research priority. Most research studies have been one shot efforts with few ongoing programs of research coveting any aspect of prisoner family functioning. Consequently, there are many unanswered questions and untested assumptions about the impact of parental criminality on children, the impact of parental attachments and responsibilities on adult recidivism, and other crucial areas. Knowledge of the impact of major human services and corrections policies, e.g., ASFA, community reentry legislation, and welfare reform, on prisoners' families is also limited and the true outcomes of policy directives and reforms for families and children must be inferred.

Information about and understanding of program processes and outcomes must also be among the objectives of a knowledge development agenda. It is important to assess the current state of the field. These type assessments enable program designers and practitioners to build on the pioneering research and program efforts that have already been undertaken and on the day-to-day work and experiences of program providers, families and children. The Vera Institute of Justice review of programs serving fathers in prison and the community (Jeffries, Menghraj, and Hairston, 2001) and the University of Illinois study of programs serving children and families of prisoners (Bates, 2001) provide examples of these type reviews.

Conclusions

The ability and motivation to keep trying under the most difficult of circumstances that prisoners' families display and the sense of kinship and obligation that they have for a member who has been publicly sanctioned are solid strengths. These actions, and the nation's general interest in protecting children and strengthening families, provide sound reasons to promote and adopt policies which help prisoners maintain family ties and help families carry out their family obligations and responsibilities for their children. A social investment in prisoners' families and children will require the adoption of more positive views of prisoners' families and family relationships, better understanding of family needs and societal responses, and dedicated attention to changing the prevailing system responses.

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APPENDIX F

What about Me?

Children with Incarcerated Parents

Michigan Family Impact Seminars
Briefing Report No. 2002-1

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Children of Incarcerated Mothers
Rosemary Sarri, Ph.D.

Children of incarcerated parents are a group who experience serious emotional, behavioral and psychological suffering that often receives little attention because they are not viewed as a victim when their parents are incarcerated. Neither the justice or child welfare systems respond to their situation unless a serious crisis arises. A decade ago few in Michigan or the United States were aware of this issue, but with the rapid growth in prison populations it is now estimated that there are 1.5 million children with incarcerated parents in this country and about 56,000 children in Michigan. Nationally, the growth since 1986 is particularly apparent:

Table 1. Number of Parents in Prison[1]

Year	Number of Parents
1986	273,045
1991	438,121
1997	637,389

We know most about children of incarcerated mothers because 75% of them have one or more minor children when they enter prison and most of the research has been done with this group. Among male prisoners approximately 44% had children with whom they resided when imprisoned or were

[1] Source of data: Survey of Inmates in State Correctional Facilities in 1986 ; Survey of Inmates in State and Federal Correctional Facilities, 1997. U.S. Dept. of Commerce, Bureau of the Census.

convicted and placed in jail. Children of most incarcerated males remain with the mother when a father enters prison, but when a mother is sent to prison, she is likely to be the sole custodian of her children [1,5,9]. As a result children lose their home, and most reside with a grandparent, other relative or a friend of the mother. In recent years, however a growing number have ended up homeless and in the child welfare system.

Table 2 presents a picture of the demographic characteristics of the parents taken from the national survey of inmates in 1986 and 1997. These parents have an average of more than two children with *64%* of the mothers and 44% of the fathers residing with their children when they entered prison. Persons of color are overrepresented; the majority are single and only half have completed high school. Most reside in poverty when they enter prison so there are few if any resources available for their children. About 37% of women in prison had annual incomes less than $8000 [13].

Rosemary Sarri, Children of Incarcerated Mothers

[fold-out exhibit]

Table 2. Demographic Characteristics of Parents in State Prison

Table 2. Demographic Characteristics of Parents in State Prison

Sample (Weighted)	Mothers n=1,967 (n=13,382)	Fathers n=5,769 (n=231,856)	Mothers n=1,889 (n=42,963)	Fathers n=6,158 (n=538,761)
	1986		1997	
Average number of Children	2.48	2.22	2.38	2.04
Living with Child(ren) Prior to Incarceration	78%	50.5%	64.3%	43.8%
Average Age	30.16	31.25	32.90	33.04
Race				
White (non-Hispanic)	35.2%	34.3%	32.1%	28.6%
Black (non-Hispanic)	49.1%	48.6%	48.4%	49.4%
Asian (non-Hispanic)	00.7%	00.9%	01.1%	00.7%
Native American (non-Hispanic)	02.3%	01.4%	02.3%	01.9%
Hispanic	12.7%	14.3%	15.8%	19.2%
Marital Status				
Married	23.3%	30.2%	19.5%	23.3%
Widowed	05.9%	01.6%	04.1%	01.4%
Divorced	21.6%	23.3%	20.4%	20.5%
Separated	11.8%	08.0%	09.8%	07.0%
Never Married	37.4%	36.8%	46.2%	47.8%
Completed High School/ Have G.E.D.	39.4%	43.0%	46.6%	52.8%

Source: Survey of Inmates in State Correctional Facilities, 1986; Survey of Inmates in State and Federal Correctional Facilities, 1997

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What Are the Effects of Parental Incarceration on Children?

We rely on limited research about the effects of parental incarceration on children because much of the information is based on interviews with parents or caregivers rather than with the child. The overall impact of parental incarceration is unknown because there have been no longitudinal studies. Separation from parents affects children in a variety of ways. Those who were residing with the mother experience a dramatic change in where they live and in their daily lives.

* * *

Johnston (1995) found that 10% of children have two or more changes in caregivers and more had changes in residence. Many have emotional problems related to the incarceration. They may suffer from anxiety, depression and low self-esteem. Jose-Kampfner (1995) reported that three out of four of the 36 children that she studied reported symptoms associated with Post-Traumatic Stress Syndrome such as depression, difficulty in sleeping and in concentrating and flashbacks about the time of the mother's arrest or removal from the home.

One ten year old said the following:

> Kids of the incarcerated need for people to understand them, and take time with them; and listen to what we have to say. People on the outside don't know what we go through.

Children under the age of 2 may suffer serious psychological effects due to separation from the mother, says Johnston (1995), because strong attachment to parental figures is crucial to the normal development of the child. Children between the ages of two and six often witness the arrest of the mother, and they may recognize that they have a separate identity, but that does not relieve the pain of separation. If the child already has an alternate loving caregiver, the pain of separation may be alleviated, but that is often not the situation.

Older children ages 7 to 12 years are less likely to witness their mother's arrest, but they still are affected

because they must adapt to a new caregiver and are likely to, have to move to a different home [1]. They often have difficulty concentrating or in controlling anxiety. Some may rebel and express their anxiety against peers or family in very inappropriate behavior. Many experience scapegoating and discrimination for having an incarcerated parent.

For adolescents it is typical that they will develop maladaptive coping patterns as a response to a parent's incarceration, and many manifest delinquency, poor school performance, dropping out, substance abuse and other inappropriate coping behaviors. Others face family responsibilities including the care of younger siblings when they are ill-equipped to be caregivers.

There is little reliable information about the effect of a parent's incarceration on a child's subsequent incarceration, but Meyers, et. al. (1999) suggest that these children are five to six times more likely to enter the criminal justice system than are children who have not had an incarcerated parent. There is no reliable information about their contacts with the mental health or child welfare systems. We do know that departments of social services have not treated children of incarcerated parents systematically as persons needing protective services. As a result they may drift from one system to another, become homeless and attempt to survive on their own.

While the mother is in prison, visitation varies from state to state depending upon correctional visitation policies. In Michigan, a federal court order was required in order to insure visitation (Buzzetta v. Michigan Department of

Corrections). In contrast, Minnesota provides facilities for overnight and weekend visits with mothers in the state prison. Nonetheless, visitation may be difficult because prisons typically are located some distance from where children reside and there may be no one who can transport the child to the prison or jail. Michigan began a program in the 1980s when volunteers brought children to visit periodically, but that program no longer exists. It was funded by a foundation for a limited period of time.

Many departments of corrections staff do not accept that they have responsibility for facilitating the maintenance of parental responsibilities by their incarcerated parents. A study by Snyder-Joy and Carlo (1998) found that mothers who did have the opportunity for regular visitation reported being able to maintain positive relationships with their children, as compared with those who did not have visitations.

Children may also be negatively affected during a parent's incarceration because legal services are not available to the parent to manage custody arrangements and changes. Prisoners do not have the opportunity to appear in court regarding custodial matters affecting their children so they require legal aid or other assistance to have attorneys represent them in probate court.

When a mother is released, children may be returned to her immediately or shortly thereafter. Depending upon the length of incarceration and the behavior of the existing caregiver, the transition may be relatively easy or extremely difficult. Problems also arise when the mother returns because she will not have any resources, may not have housing or

employment. As a result the family may become homeless, particularly if they are deemed ineligible for any financial assistance until the mother secures employment. Changes in welfare policy since 1996 limit eligibility of incarcerated persons for financial assistance when they leave prison.

What are the Effects for Incarcerated Mothers?

Incarcerated mothers have worries and concerns about their children that are similar to those of other mothers. LeFlore and Holston (1989) found that 72% of those they interviewed reported that the most important thing for a mother is to love her child and to be able to demonstrate that love. They also emphasized the importance of being able to provide and care for their children, but both of these activities are likely to be denied to them for extended periods. Many women are incarcerated when they could be placed on probation or in other community programs that would permit them to maintain their parental roles and responsibilities.

The present rate of incarceration for use, abuse and/or possession of drugs far exceeds earlier rates, but self-reported drug use does not significantly vary between the two time periods [10]. However, women were incarcerated for drug abuse in the past decade whereas that usually was not the case in earlier period.

Block and Potthast (1998) studied a sample of incarcerated mothers who participated in a Girl Scout program with their daughters. They found that participation increased their confidence about their relationships with their daughters, but they worried considerably about the emotional harm to their children from their incarceration. They also expressed

concern about the views of their daughters' friends about their incarceration.

Incarcerated Parents and the Child Welfare System

Courts and social agencies often consider all parents in prison as unfit. As a parent, a mother has the legal responsibility to support her child, but most lack the ability to do so and must rely on relatives and friends. Even when mothers establish good care relationships, these may fail with the death or illness of a caregiver, and without legal assistance a mother may be unable to correct the situation. It is not uncommon for a parent to lose all contact or knowledge about her child's whereabouts.

Women face many obstacles in trying to maintain parental rights. In 25 states there are laws terminating parental rights when a parent is incarcerated for a specific period of time [3]. Laws typically address parents who voluntarily abandon or give up a child, not those who are involuntarily separated. The Adoption Assistance Act of 1997 has created even more obstacles for incarcerated parents because there are limits on the length of time that can elapse before a child is placed for adoption when a parent is separated from the child. In the case of adolescents, there may be little likelihood of adoption or even foster care placement, but for young children adoption could well occur unless a relative is the custodial parent. Special needs children may be at a particular disadvantage when a parent is incarcerated.

The Child Welfare League of America surveyed the fifty states and learned that most could not even provide demographic information about children of incarcerated

parents [4]. Most of the states (35) could not even provide the number or characteristics of minor children in their state who had an incarcerated parent. Several states indicated that they perceive that these children have needs that are similar to those of all other children. A survey by Beckerman (1994) found that many caseworkers did not maintain any contact with incarcerated mothers of children in foster care when decisions had to be made about custody and other matters.

What Kinds of Programs and Services Exist for Children of Incarcerated Mothers?

Recently a number of voluntary agencies have established special programs for the children of incarcerated mothers

1. Child Welfare League of American launched the Children with Incarcerated Parents Initiative in 1996. It encourages and supports other agencies providing special services to these children.

2. Chicago Legal Aid to Incarcerated Mothers (CLAIM) provides legal services and educational programs for women and their families.

3. Project SEEK (Services to Enable and Empower Kids) in Genesee County, Michigan works directly with children eleven or younger of incarcerated parents. It provides home visits, support groups, advocacy, referral and facilitation of ongoing communication between parent and child.

4. Parenting from a Distance is a program in New York State serving a small number of mothers in one state

prison to strengthen mother-child relationships by educating and supporting women in their maternal roles.

5. Minnesota Correctional Facility provides a comprehensive program for maintaining family contact and relationships. The program begins when a woman enters the prison and includes parenting training, frequent visitation, and training in maintaining positive communication by the mother with her child.

Conclusion

The plight of children of incarcerated parents has become a very serious child welfare problem. These children are seriously victimized through no fault of their own. If the state incarcerates a parent when there is no other parent available, under the concept *ofparenspatriae,* it has the obligation to ensure the child's well-being.

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